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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NELSON QUINTANILLA, ALEJANDRO AMAYA, ALEX
AMIR AREVALO, MAYNOR FAJARDO, WALTER GARCIA,
JOSE L. MARTINEZ, PRACELIS MENDEZ, OSMAR W.
PAGOADA, JAVIER QUINTANILLA, EDWIN RIVERA,
CARLOS ESCALANTE, KEVIN GALEANO,
LERLY NOE RODRIGUEZ, JOSE VEGA CASTILLO,
JUAN QUINTEROS, and MARCUS TULIO PEREZ,

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Plaintiffs,

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9

-against-

Case No:
09-CV-5331

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SUFFOLK PAVING CORP., SUFFOLK ASPHALT CORP.,
LOUIS VECCHIA, CHRISTOPHER VECCHIA,
HELENE VECCHIA, and JOHN DOES 1-5,

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Defendants.

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October 1, 2011
9:14 a.m.

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4875 Sunrise Highway
Bohemia, New York

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EXAMINATION BEFORE TRIAL of ALEX AMIR

19

AREVALO, one of the Plaintiffs herein, taken
by the Defendants, pursuant to Article 31 of
the Civil Practice Law and Rules of

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Testimony, and Notice and order, held at the
above-mentioned time and place, before Karen

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LaMendola, a Professional Court Reporter and
Notary Public of the State of New York.

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A P P E A R A N C E S:

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BY: SAUL ZABELL, ESQ.

ALSO PRESENT:

Steven Rinaldi, Spanish Interpreter

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties herein, that filing,
sealing and certification be and the same are
hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of
the question shall be reserved to the time of
the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed and
sworn to before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

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2 S T E V E N R I N A L D I, the Spanish
3 Interpreter herein, was duly sworn to
4 interpret the questions from English into
5 Spanish and the answers from Spanish into
6 English to the best of her ability:

7 A L E X A M I R A R E V A L O, the
8 Witness herein, having been duly sworn
9 through the Interpreter, was examined
10 and testified as follows:

11 EXAMINATION BY

12 MR. ZABELL:

13 Q Would you please state your full
14 name for the record.

15 A Alex Amir Arevalo.

16 Q What is your current address?

17 A 132 Newman Avenue, Brentwood,
18 New York 11717.

19 Q Good morning, Mr. Arevalo.

20 A Good morning.

21 Q How are you today?

22 A Good, good.

23 Q You feel okay?

24 A Very, very good.

25 Q Are you currently taking any

1 A. Amir Arevalo

2 medications?

3 A No.

4 Q Any drugs whatsoever?

5 A Nothing.

6 Q Can you think of any reason why
7 your ability to give truthful and accurate
8 testimony today would be impaired?

9 A No.

10 Q Are you currently under the
11 influence of alcohol?

12 A No.

13 Q Have you banged your head
14 lately?

15 A No.

16 Q Are you currently employed?

17 A Presently, yes.

18 Q Where are you currently
19 employed?

20 A Where I'm -- I'm sorry?

21 Q Don't be sorry. Just answer the
22 question.

23 A I'm employed at a shop.

24 Q I need a little more information
25 than that.

1 A. Amir Arevalo

2 A I'm a mechanic. I work.

3 Q Have you always been a mechanic?

4 A That is so.

5 Q What is the name and address of
6 the shop that you work at?

7 A It's located on Suffolk Avenue,
8 building number -- I don't remember.

9 Q What town?

10 A It's Central Islip.

11 Q What's the name of the employer?

12 A His name is Edgar.

13 Q What's the name of the company?

14 A Easy Buy.

15 Q Easy Buy?

16 A Yes.

17 Q Do you receive checks from them?

18 A No, they pay me cash.

19 Q Oh, they pay you in cash.

20 Do you report that cash on your
21 income tax returns?

22 A Yes. This year, I started.
23 Before, I was being paid by check, and I also
24 included it, but now this year that I'm now
25 being paid by cash, I'm doing it, as well.

1 A. Amir Arevalo

2 Q How much are you receiving an
3 hour?

4 A More or less \$12 or \$13 an hour.

5 Q What is your name?

6 A Alex Amir Arevalo.

7 Q Do you have any identification?

8 A Yes.

9 Q May I see it?

10 A (Handing.)

11 MR. McNAMARA: May I see that?

12 THE WITNESS: Yes. (Handing.)

13 Q That's you?

14 A Yes.

15 Q Did you gain weight?

16 A No, not that I remember.

17 Q Did you eat a lot of salt before
18 you took this?

19 A No.

20 Q I'm going to go make a copy. Is
21 this the only identification you have?

22 A Yes.

23 Q [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 A. Amir Arevalo

2 MR. ZABELL: I'll will return.

3 (Whereupon, a brief recess was
4 taken at this time.)

5 Q Mr. Arevalo, do you understand
6 English?

7 A A little.

8 Q You understand most of the
9 questions I'm asking you; right?

10 A A few.

11 Q Well, it has been explained to
12 you that you're here at this deposition to
13 answer my questions; correct?

14 A Yes.

15 Q You understand that you have to
16 answer every question that I ask you; do you
17 not?

18 A Yes.

19 Q If you don't understand the
20 question I ask you, you have an obligation to
21 tell me that you don't understand that
22 question.

23 Do you understand that?

24 A Yes.

25 Q If you provide an answer to a

1 A. Amir Arevalo

2 question I ask you, it will be assumed that
3 you understood that question.

4 Do you understand that?

5 A Yes.

6 Q Are you ready to proceed?

7 A Yes.

8 Q You understand that you took an
9 oath to tell the truth today; correct?

10 A Yes.

11 Q If you do not tell the truth,
12 you are subject to penalty under the laws of
13 the State of New York and the United States
14 of America.

15 Do you understand that?

16 A Yes.

17 Q It will be no different than if
18 you testified falsely at trial.

19 Do you understand that?

20 A Yes.

21 Q Are you represented by counsel
22 at this deposition?

23 A Yes.

24 Q Who is that attorney?

25 A The name -- but yes, it is my

1 A. Amir Arevalo

2 understanding that I'm being represented.

3 Q What's your attorney's name?

4 A I don't know exactly.

5 Q Do you know, roughly?

6 A Physically, I know him.

7 Q What does that mean?

8 A Physically, I've seen him, but
9 his exact name, I don't know.

10 Q Physically, you know him.

11 Does that mean you're in a
12 relationship with him?

13 MR. McNAMARA: Objection,
14 Counselor.

15 A I'm not in a relationship with
16 him.

17 Q So you don't know him
18 physically?

19 A (No verbal response.)

20 Q You have to answer the question.

21 A I don't know his name, but I've
22 seen him and I...

23 Q Is he the guy wearing jeans
24 today?

25 MR. McNAMARA: Objection,

1 A. Amir Arevalo

2 Counselor.

3 A I don't understand.

4 Q Is he the guy sitting to your
5 right wearing blue jeans at this deposition?

6 A What does that have to do with
7 it? What are you referring to? What is the
8 question? I don't understand the question.

9 Q We are at a deposition. You do
10 not get to ask questions. Are we clear?

11 A Yes.

12 Q Just answer the question.

13 A I didn't understand the question
14 very well.

15 Q Is the person you believe to be
16 your lawyer, the person that you've testified
17 to having a physical relationship with, the
18 man wearing blue jeans, your lawyer?

19 A Yes.

20 Q Was that so difficult to answer?

21 A No.

22 Q Because if you fight me today,
23 it's going to be a very long day. You
24 understand that; right?

25 A No problem.

1 A. Amir Arevalo

2 Q Did you prepare for this
3 deposition in any way before you came here
4 today?

5 A No.

6 Q Did you speak to your attorney
7 before coming to this deposition today?

8 A No.

9 Q I saw you speaking to your
10 attorney just before you walked in here.

11 MR. McNAMARA: Objection.

12 Q Did you not?

13 MR. McNAMARA: Objection.

14 A He just told me that he was my
15 attorney and he was representing me. He
16 didn't say anything else. Did I speak to
17 him? I just don't speak English.

18 Q Did you say hello to him?

19 A Yes.

20 Q Did you say any words to him?

21 A No.

22 Q But this is the man you've
23 testified that you have a physical
24 relationship with?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A No, no, not a physical
3 relationship.

4 Q Isn't that what you testified to
5 before?

6 A No.

7 Q It's very important that you not
8 lie to me today.

9 MR. McNAMARA: Objection.

10 Q Do you understand that?

11 A Yes.

12 Q When you change your answers, it
13 indicates that you're lying to me.

14 Do you understand that?

15 A Yes.

16 Q So before, do you remember
17 testifying that you had a physical
18 relationship with your attorney?

19 MR. McNAMARA: Objection.

20 A Physical, no, I didn't say that.

21 Q You didn't?

22 A No.

23 Q No?

24 A I said that I know him
25 physically, but to say that I have a physical

1 A. Amir Arevalo

2 relationship with him, that's something
3 different.

4 MR. ZABELL: We're going to take
5 about a thirty-second break, and
6 Patrick, I need to see you outside.

7 MR. McNAMARA: Sure.

8 (Whereupon, a recess was taken
9 from 9:30 a.m. until 9:33 a.m.)

10 Q Do you remember that you told me
11 your name was Alex Amir Arevalo?

12 A Yes.

13 Q That's not entirely true; is it?

14 MR. McNAMARA: Objection.

15 A That's my name.

16 Q Are you sure?

17 A One hundred percent sure.

18 Q That's the only name you've been
19 known by?

20 A Yes.

21 (Document consisting of a copy
22 of identification in the name Arevalo
23 Castilla was marked as Defendants'
24 Exhibit Number 1, for identification as
25 of this date.)

1 A. Amir Arevalo

2 Q I'm going to show you a document
3 I've identified as Defendants' Exhibit Number
4 1. (Handing.)

5 Do you know what that document
6 is?

7 A (Perusing.) This document is a
8 personal identification of mine.

9 Q Is this true and accurate?

10 A Yes.

11 Q Keep it on the table.

12 A (Witness complies.)

13 Q Completely accurate?

14 A Uh-huh.

15 Q You need to answer with your
16 words.

17 A Yes.

18 Q Do you understand?

19 A Yes.

20 MR. ZABELL: Excuse me a moment.

21 (Whereupon, a brief recess was
22 taken at this time.)

23 Q You were telling me what
24 Defendants' Exhibit Number 1 is, and you've
25 testified that this is your identification;

1 A. Amir Arevalo

2 correct?

3 A Yes.

4 Q It's the only identification you
5 have; correct?

6 A Yes.

7 Q And it's absolutely 100 percent
8 accurate?

9 A Yes.

10 Q When did you get this document?

11 A I don't remember the exact date.

12 Q Where did you get this document?

13 A I got it at the Dewey Center
14 on -- between 111 and Motor Parkway.

15 Q Do you remember testifying just
16 before that your name is Alex Amir Arevalo?

17 A Yes.

18 Q And that was the only name that
19 you go by; correct?

20 MR. McNAMARA: Objection.

21 A Yes.

22 Q And that's the only name that
23 you have; correct?

24 MR. McNAMARA: Objection.

25 A Yes.

1 A. Amir Arevalo

2 Q But according to this,
3 Defendants' Exhibit Number 1, you go by
4 another name, Arevalo Castilla; correct?

5 A That's my father's name. I
6 hardly ever use it.

7 Q But you use it on occasion;
8 correct?

9 A No, I just use Arevalo. I
10 hardly ever use Castilla.

11 Q When you say you hardly ever use
12 it, it means that you sometimes use it.

13 Do you understand that?

14 A Yes, I understand.

15 Q Why did you see fit to hide that
16 information from me?

17 MR. McNAMARA: Objection.

18 A No, I didn't hide Castilla
19 because it appears --

20 Q Just answer the question.

21 A -- over here.

22 Q Just answer the questions I ask
23 you.

24 MR. McNAMARA: Objection.

25 Q When I asked you your full name,

1 A. Amir Arevalo

2 why didn't you tell me Castilla was in your
3 full name?

4 A I didn't see it necessary.

5 Q You know, I told you that it's
6 necessary for you to tell me the truth and
7 the complete truth. If you try to hide parts
8 of the truth, it's going to appear that
9 you're lying to me, and it's way too early in
10 the deposition for you to start lying to me.

11 Do you understand?

12 A Yes.

13 Q Would you like to apologize for
14 lying to me?

15 MR. McNAMARA: Objection.

16 A I apologize for not including
17 the other name.

18 Q I accept your apology, but
19 please don't do it again, please; okay?

20 A Okay.

21 Q Are we clear?

22 A Yes.

23 Q I'll take that document back.

24 A (Handing.)

25 Q What is your nation of origin?

1 A. Amir Arevalo

2 A El Salvador.

3 Q [REDACTED]

4 [REDACTED]

5 A [REDACTED]

6 Q [REDACTED]

7 [REDACTED]

8 A [REDACTED].

9 Q Where do you currently live?

10 A Currently, I live at 132 Newman
11 Avenue in Brentwood.

12 Q Do you live in a house or an
13 apartment?

14 A House.

15 Q Do you own that house?

16 A No.

17 Q Who owns that house?

18 A The name is Victor.

19 Q Would that be Victor Quintanilla?

20 A Well, I just know him as Victor.

21 Q Did you ever work with Victor?

22 A No.

23 Q Is Victor your landlord?

24 A He is the owner of the home.

25 Q Does he live there with you?

1 A. Amir Arevalo

2 A Yes.

3 Q Do you know him physically?

4 A No.

5 MR. McNAMARA: Objection.

6 Q You just rent from him?

7 A Uh-huh -- yes.

8 Q Words, don't forgot your words.

9 A Yes, yes. Sorry.

10 Q So how much do you pay a month
11 in rent?

12 A I pay \$900.

13 Q Do you live alone?

14 A Separate.

15 Q Do you live with anybody?

16 A Yes.

17 Q Do you have a wife?

18 A My wife.

19 Q What is your wife's name?

20 A Rosa Amalia Chavez.

21 Q Do you have any children?

22 A Yes.

23 Q How many children?

24 A Two.

25 Q What are their names?

1 A. Amir Arevalo

2 A Katherine Daniella Arevalo and
3 Ricardo Alexander Arevalo.

4 Q Are they both your children?

5 A Yes.

6 Q Did you have them with
7 Rosa Chavez?

8 A Yes.

9 Q She's their mother?

10 A Yes.

11 Q Do you have any other children,
12 either in this country or any other country?

13 A No.

14 Q In what state did you marry
15 Rosa Chavez?

16 A I'm not actually married.

17 Q Did you lie to me?

18 MR. McNAMARA: Objection.

19 A I'm not married.

20 THE INTERPRETER: By
21 interpreter, it is common --

22 MR. ZABELL: I understand, I
23 understand the context. Thank you. I
24 don't need that. I understand what
25 you're going to say. Trust me, I do.

1 A. Amir Arevalo

2 Q When I asked you before if you
3 were married, why did you say you were
4 married?

5 A I didn't say that I was married.

6 Q Did you refer to her as your
7 wife?

8 A No, she's my wife, my woman.
9 There's a difference between her being my
10 wife and being my woman.

11 Q So she's your woman; she's not
12 your wife?

13 A That's so.

14 Q Don't lie to me.

15 MR. McNAMARA: Objection.

16 Q Do you understand?

17 A (No verbal response.)

18 Q Do you understand?

19 A Yes.

20 MR. INTERPRETER: You don't
21 think that's necessary to put that on
22 the record for the integrity of the
23 record?

24 MR. ZABELL: No. Trust me, I
25 know exactly what you were going to

1 A. Amir Arevalo

2 say. I'm familiar with the context,
3 but no, I don't.

4 Q When did you come to New York?

5 A 2005, a few months before 2005.

6 Not exactly 2005. Maybe a month before.

7 Q So it wasn't 2005?

8 A No.

9 Q Remember how I said it's
10 important that you be accurate?

11 A Yes.

12 Q So you came in 2004? Do you
13 remember what month in 2004 you came?

14 A No, I don't recall.

15 Q Do you have a memory?

16 A I don't remember. I don't
17 remember.

18 Q Do you generally remember
19 things, or do you have a bad memory?

20 A Once in a while, I have a good
21 memory. Sometimes I don't remember.

22 Q Did something happen to you to
23 prevent you from remembering?

24 A No.

25 Q Did you bang your head?

1 A. Amir Arevalo

2 A No.

3 Q Were you ill?

4 A No.

5 Q You just have a bad memory, in
6 general?

7 MR. McNAMARA: Objection.

8 A Generally, yes. It may be that
9 I have a bad memory.

10 Q So you came to New York at some
11 time in 2004; correct?

12 A Yes.

13 Q

14

15 A

16

17 Q You have to respond to that
18 question.

19 A I need to speak to my attorney.

20 Q You can speak to your attorney
21 after you answer the question, unless your
22 attorney would like to advise you that you
23 may plead the Fifth Amendment. But if he
24 does that, he'll do that here on the record.

25 A (No verbal response.)

1 A. Amir Arevalo

2 MR. ZABELL: Patrick, is there
3 something you'd like to say to him on
4 the record?

5 MR. McNAMARA: No, I'd be fine
6 with the witness answering the
7 question, and then I'd like to take a
8 short break.

9 MR. ZABELL: Tell him he can
10 answer the question, Patrick.

11 MR. McNAMARA: You can answer
12 the question, Mr. Arevalo.

13 THE WITNESS: [REDACTED]

14 [REDACTED]

15 MR. McNAMARA: Yes.

16 A [REDACTED]

17 Q [REDACTED].

18 A [REDACTED]

19 MR. McNAMARA: Okay. We're
20 taking a break.

21 (Whereupon, a recess was taken
22 from 9:51 a.m. until 10:00 a.m.)

23 MR. ZABELL: Could I hear the
24 last question and answer, please.

25 (Whereupon, the requested

1 A. Amir Arevalo

2 portion of the record was read by the
3 court reporter.)

4 Q [REDACTED]

5 A [REDACTED].

6 Q [REDACTED] [REDACTED]

7 [REDACTED]

8 A [REDACTED]

9 Q [REDACTED]

10 A [REDACTED]

11 [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 MR. McNAMARA: Objection.

15 A [REDACTED]

16 Q You just took a long break with
17 your attorney, Patrick; correct?

18 A Yes.

19 Q You had a whole conversation
20 with him out in the hallway; correct?

21 MR. McNAMARA: Objection.

22 A No.

23 Q We saw you.

24 MR. McNAMARA: Objection.

25 A By phone. Someone translated by

1 A. Amir Arevalo

2 phone. It wasn't --

3 Q Was that Ian Wallace?

4 A No.

5 Q Who was it?

6 MR. McNAMARA: Objection.

7 It's privileged, Counselor.

8 Q Was it an attorney?

9 MR. McNAMARA: I'm instructing
10 the witness not to answer.

11 MR. ZABELL: Patrick, was it an
12 attorney? Because I don't understand
13 what this privilege is. If you had a
14 conversation with him and somebody else
15 who not an attorney was present --

16 MR. McNAMARA: The person there
17 was furthering the attorney/client
18 relationship, and therefore, it's
19 privileged.

20 MR. ZABELL: How were they
21 furthering the relationship? Were they
22 acting solely as an interpreter?

23 MR. McNAMARA: Yes.

24 Q [REDACTED]

25 [REDACTED]

1 A. Amir Arevalo

2 A [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

5 MR. McNAMARA: Objection.

6 A [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 MR. McNAMARA: Objection.

11 A [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 Q [REDACTED] ?

16 A [REDACTED]

17 Q [REDACTED]

18 MR. McNAMARA: Objection.

19 A [REDACTED]

20 Q [REDACTED] ?

21 A [REDACTED] .

22 Q [REDACTED]

23 MR. McNAMARA: Objection.

24 A [REDACTED] .

25 Q [REDACTED]

1 A. Amir Arevalo

2 [REDACTED]

3 MR. McNAMARA: Objection.

4 Q Just your bad memory.

5 MR. McNAMARA: Objection.

6 Q Correct?

7 A [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q [REDACTED]

15 [REDACTED]

16 MR. McNAMARA: Objection.

17 Q You may answer. When he
18 objects, you can always disregard his
19 objection.

20 MR. McNAMARA: Objection.

21 Q Okay?

22 MR. McNAMARA: [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 A. Amir Arevalo

2

3 MR. ZABELL: I am going to
4 object to that designation, which is
5 now in writing. We have a stipulation
6 of confidentiality which spells out the
7 steps and requirements that you must
8 follow in order to test the
9 appropriateness of your designation. I
10 strongly suggest that you do so.

11 MR. McNAMARA: Thank you,
12 Counselor.

13 MR. ZABELL: You're welcome.

14 Q

15

16 MR. McNAMARA: Objection.

17 A

18 Q

19

20 A

21 Q Remember what I said about
22 lying?

23 A

24

25

1 A. Amir Arevalo

2 Q [REDACTED]

3 [REDACTED]

4 MR. McNAMARA: Objection.

5 A [REDACTED]

6 Q [REDACTED]

7 [REDACTED]

8 MR. McNAMARA: Objection.

9 A [REDACTED]

10 Q Did you provide it to employers
11 so that you could get work?

12 MR. McNAMARA: Objection.

13 A Yes.

14 Q [REDACTED]

15 [REDACTED]

16 MR. McNAMARA: Objection.

17 A [REDACTED]

18 Q [REDACTED] ?

19 MR. McNAMARA: Objection.

20 A [REDACTED]

21 Q [REDACTED] [REDACTED]

22 [REDACTED]

23 MR. McNAMARA: Objection.

24 A I don't remember the name.

25 Q You don't remember your friend's

1 A. Amir Arevalo

2 name?

3 MR. McNAMARA: Objection.

4 A No.

5 Q What does he look like?

6 MR. McNAMARA: Objection.

7 A A gentleman of about fifty-two
8 years of age. [REDACTED]

9 Q Does he look like your attorney?

10 MR. McNAMARA: Objection.

11 A No.

12 Q Younger?

13 A No.

14 Q Older?

15 A Older. More of an advanced age.

16 Q You don't find your attorney to
17 be very advanced?

18 MR. McNAMARA: Objection.

19 A No, he's younger.

20 Q And not as advanced?

21 MR. McNAMARA: Objection.

22 Q Correct?

23 MR. McNAMARA: Objection.

24 A Yes.

25 Q Almost rudimentary; correct?

1 A. Amir Arevalo

2 A Rudimentary, what?

3 Q Basic.

4 MR. McNAMARA: Objection.

5 A I didn't understand you.

6 Q That's okay.

7 MR. ZABELL: I'll withdraw the
8 question. We know what the answer is.

9 MR. McNAMARA: Thank you,
10 Counselor.

11 Q [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A [REDACTED].

15 Q [REDACTED]

16 [REDACTED]

17 MR. McNAMARA: Objection.

18 A [REDACTED].

19 Q [REDACTED]

20 [REDACTED]

21 MR. McNAMARA: Objection.

22 A [REDACTED].

23 Q [REDACTED]

24 MR. McNAMARA: Objection.

25 A [REDACTED]

1 A. Amir Arevalo

2 Q [REDACTED]

3 [REDACTED]

4 A No.

5 Q [REDACTED]

6 MR. McNAMARA: Objection.

7 A No.

8 Q Well, you could claim that on
9 your taxes; couldn't you?

10 MR. McNAMARA: Objection.

11 A [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q [REDACTED]

15 MR. McNAMARA: Objection.

16 A [REDACTED]

17 [REDACTED]

18 Q Oh, you have it? Great. I'd
19 like to see it.

20 A I have just the last four.

21 Q You got a lot of coupons in
22 there.

23 A Yes, it's here; [REDACTED]

24 Q May I see what you're looking
25 at?

1 A. Amir Arevalo

2 A (Handing.)

3 MR. ZABELL: Thank you. I'm
4 going to make a photocopy of this.

5 (Whereupon, a recess was taken
6 from 10:11 a.m. until 10:16 a.m.)

7 Q [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR. McNAMARA: Objection.

12 A [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. McNAMARA: Objection.

17 Q [REDACTED] ?

18 A [REDACTED] .

19 Q [REDACTED]

20 [REDACTED]

21 A (No verbal response.)

22 Q Correct?

23 MR. McNAMARA: Objection.

24 A (Nodding.)

25 Q You need to use your words.

1 A. Amir Arevalo

2 A Yes.

3 Q Okay. Is it okay to lie if you
4 need money?

5 MR. McNAMARA: Objection.

6 A (No verbal response.)

7 Q Yes?

8 A Out of necessity, yes.

9 Q So if you need money, it's okay
10 to lie. That's what you're testifying to;
11 correct?

12 A (No verbal response.)

13 Q Correct?

14 A Well --

15 Q No, no, just answer the
16 question.

17 A Yes.

18 Q Did you eat breakfast today?

19 A Not now.

20 Q I'm not asking you if I can make
21 you breakfast. I'm asking if you ate
22 breakfast.

23 A I haven't had breakfast.

24 Q Would you like some of your
25 lawyer's bagel?

1 A. Amir Arevalo

2 A No.

3 Q Would you like some Munchkins?

4 They are delicious, donut-hole treats.

5 MR. McNAMARA: Objection.

6 A I don't like them that much.

7 MR. ZABELL: Whoa, whoa. What's
8 your objection; are they not delicious,
9 donut-hole treats?

10 MR. McNAMARA: Counselor, I'm
11 not speaking my objections.

12 MR. ZABELL: I'm asking you:
13 What's your objection to a Munchkin?
14 That's un-American to object to a
15 Munchkin.

16 MR. McNAMARA: It's a
17 mischaracterization.

18 MR. ZABELL: You don't find them
19 to be donut-hole treats?

20 Off the record.

21 (Whereupon, a discussion was
22 held off the record.)

23 Q Do you like egg sandwiches?

24 A No.

25 Q What do you usually eat for

1 A. Amir Arevalo

2 breakfast?

3 A In the morning, I like what's
4 eaten traditionally. I don't like bacon and
5 egg over here. The sandwiches I like, but
6 that's not what we eat in my country.

7 Q Isn't this your country?

8 MR. McNAMARA: Objection.

9 A No.

10 Q So this isn't your country?

11 A No.

12 Q What do you like for breakfast?

13 A Tortilla, beans, cheese, and a
14 little bit of cream.

15 Q You don't find that makes you
16 gassy?

17 A No.

18 Q That's what you eat for
19 breakfast every morning?

20 A Yes. And bananas once in a
21 while. I make different foods.

22 Q Did you ever eat when you were
23 at work?

24 A At lunch; rice, piece of
25 chicken, tortillas.

1 A. Amir Arevalo

2 Q Do you like carrots in your
3 rice?

4 A Yes.

5 Q Lots of carrots; right?

6 A A little.

7 Q It's very good for your eyes.

8 A Oh, yes.

9 Q Yes. Ask your lawyer. He'll
10 agree.

11 A Okay.

12 Q Do you drink coffee?

13 A No.

14 Q In 2004, you came to this
15 country; correct?

16 A (Nodding.)

17 Q Use your words.

18 A Yes.

19 Q [REDACTED]

20 [REDACTED]

21 A Y[REDACTED].

22 Q [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A [REDACTED].

3 Q [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 MR. McNAMARA: Objection.

7 A [REDACTED]

8 Q Oh, what employer?

9 A To Suffolk Paving.

10 Q How did you get here today?

11 A My wife -- my woman dropped me
12 off.

13 Q Does she drive?

14 A Yes.

15 Q Do you own a car?

16 A We don't own, own a car.

17 Q Did she drive you in a
18 motorcycle?

19 A No. She dropped me off in a car
20 that she uses more than I do.

21 Q Whose car is it?

22 A A friend's.

23 Q What's your friend's name?

24 MR. McNAMARA: Objection.

25 A His name is Jose. It's Jose --

1 A. Amir Arevalo

2 I can't remember his last name.

3 Q Is he not a good friend?

4 A He insures the car, and she uses
5 it to move around.

6 Q But who owns the car?

7 MR. McNAMARA: Objection.

8 A Name is Jose, but I don't
9 remember his name. Oh, it's Jose Gonzalez.

10 Q Who paid for the car?

11 A My wife or my woman -- my lady
12 bought it, and he offered us the insurance,
13 and she uses it mostly to get around more
14 than I do.

15 Q So you and your lady bought the
16 car; correct?

17 MR. McNAMARA: Objection.

18 A (No verbal response.)

19 Q Yes or no?

20 A Yes.

21 Q And you drive that car; correct?

22 A No.

23 Q You never drive that car?

24 MR. McNAMARA: Objection.

25 A Practically, no.

1 A. Amir Arevalo

2 Q When you say "practically, no,"
3 that means sometimes, yes.

4 Do you understand that?

5 A When I was working at Suffolk
6 Paving, I had a car, but -- well -- and I
7 used to drive, but after that, I wasn't
8 driving. My job was only fifteen minutes
9 away. I went by bike.

10 Q [REDACTED]

11 [REDACTED]

12 A [REDACTED].

13 Q [REDACTED]

14 [REDACTED]

15 MR. McNAMARA: Objection.

16 A [REDACTED].

17 Q [REDACTED]

18 [REDACTED]

19 MR. McNAMARA: Objection.

20 A [REDACTED]

21 [REDACTED]

22 Q [REDACTED]

23 MR. McNAMARA: Objection.

24 A [REDACTED]

25 [REDACTED]

1 A. Amir Arevalo

2 Q 

3 MR. McNAMARA: Objection.

4 I'm going to ask the witness not
5 to answer, pursuant to the protective
6 agreement.

7 MR. ZABELL: You can ask him,
8 but --

9 MR. McNAMARA: I'm instructing
10 the witness not to answer.

11 MR. ZABELL: Well, are you
12 asking or are you instructing?

13 MR. McNAMARA: I'm instructing
14 the witness not to answer.

15 Q You don't have to answer that.
16 Your attorney asked me if that's okay, and
17 I'm letting you know that you don't have to
18 answer that.

19 A Okay.

20 Q Talk to me about breaking the
21 law.

22 MR. McNAMARA: Objection.

23 Q Have you ever broken the law in
24 the United States?

25 A Yes.

1 A. Amir Arevalo

2 Q How many times; many?

3 A A little.

4 Q Why; to get what you want?

5 MR. McNAMARA: Objection.

6 A No.

7 Q To get what you need?

8 MR. McNAMARA: Objection.

9 A Out of necessity, yes.

10 Q So out of necessity, you broke
11 the law in the United States?

12 MR. McNAMARA: Objection.

13 Q Correct?

14 A Not always.

15 Q So sometimes you broke the law
16 for fun?

17 MR. McNAMARA: Objection.

18 A No.

19 Q For sport?

20 A No.

21 Q Just to break the law?

22 MR. McNAMARA: Objection.

23 A [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 A. Amir Arevalo

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 Q I want you to explain to me each
6 and every time and manner in which you broke
7 the law.

8 MR. McNAMARA: Objection.

9 A [REDACTED]
10 [REDACTED]

11 Q [REDACTED]

12 MR. McNAMARA: Objection.

13 A [REDACTED].

14 Q [REDACTED] --

15 A [REDACTED]

16 Q -- what about criminal
17 impersonation?

18 MR. McNAMARA: Objection.

19 Q Did you ever do that?

20 A What?

21 Q Did you ever impersonate
22 somebody?

23 MR. McNAMARA: Objection.

24 A I don't understand.

25 THE INTERPRETER: I would like

1 A. Amir Arevalo

2 to look up the word impersonate; is
3 that okay?

4 MR. ZABELL: Yes.

5 (Whereupon, the interpreter
6 referenced his Spanish/English
7 dictionary for clarification of the
8 record.)

9 MR. INTERPRETER: I've got it.
10 So the question is: Have you ever
11 impersonated anyone?

12 MR. ZABELL: Yes.

13 A Impersonate, that's the word I
14 don't understand. That, I don't understand.

15 Q Did you ever pretend to be
16 somebody that you weren't?

17 A No.

18 Q Did you ever tell somebody you
19 were somebody that you weren't?

20 A No.

21 Q Did you ever provide anybody
22 with documentation showing that you were
23 somebody that you weren't?

24 MR. McNAMARA: Objection.

25 A No.

1 A. Amir Arevalo

2 Q [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 MR. McNAMARA: Objection.

6 Q [REDACTED] ?

7 A [REDACTED] .

8 Q Why are you lying to me?

9 MR. McNAMARA: Objection.

10 A I don't really understand the
11 questions you're asking.

12 Q Well, if you don't understand
13 the questions, you have an obligation to tell
14 me that you don't understand the questions --

15 MR. McNAMARA: Objection.

16 Q -- just like you did when you
17 said you don't understand the word
18 "impersonate." I've already explained to you
19 that if you don't understand the question,
20 you have an obligation to tell me that.

21 Do you understand that?

22 MR. McNAMARA: He just did tell
23 you that.

24 Q Do you understand that?

25 A Yes.

1 A. Amir Arevalo

2 Q And that if you answer a
3 question, it will be assumed that you
4 understood that question; correct?

5 A Yes.

6 Q So please stop lying to me.

7 MR. McNAMARA: Objection.

8 Q Do you understand?

9 A Yes.

10 Q Do you promise to stop lying?

11 MR. McNAMARA: Objection.

12 A Yes.

13 Q Did you work in 2004 in the
14 United States?

15 A No.

16 Q How did you feed yourself?

17 MR. McNAMARA: Objection.

18 A My cousins were helping me.

19 Q What are their names?

20 A Dina Rivas.

21 Q Where does Dina Rivas live?

22 A Presently, in Brentwood, but I
23 don't know the number of the house, but I
24 know it's in Brentwood.

25 Q So she took you in and she

1 A. Amir Arevalo

2 harbored you?

3 MR. McNAMARA: Objection.

4 A Yes.

5 Q Did she know she was breaking
6 the law by doing that?

7 MR. McNAMARA: Objection.

8 A I don't know.

9 Q What street does she live on?

10 MR. McNAMARA: Objection.

11 A I don't know the street.

12 Q How long did you stay with her?

13 A Four months.

14 Q So for four months, you didn't
15 know where you lived?

16 MR. McNAMARA: Objection.

17 A No. Because when someone just
18 gets here, you don't really know where you
19 are exactly.

20 Q That's your answer?

21 MR. McNAMARA: Objection.

22 A Yes.

23 Q And you expect me to believe
24 that?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A It's under oath.

3 Q Yes, I know, but you've already
4 lied to me while you're under oath today.

5 MR. McNAMARA: Objection.

6 A Lie, lie? No.

7 Q Lie, lie, si.

8 A Lie, lie, no.

9 Q Lie, lie, yes; right?

10 A No.

11 Q Remember you promised not to lie
12 to me anymore?

13 MR. McNAMARA: Objection.

14 A And I'm not lying. Lie, lie the
15 way he thinks? No.

16 Q The way he thinks (indicating)?

17 MR. McNAMARA: Objection.

18 MR. ZABELL: Pointing to
19 Patrick McNamara, who looks thrilled to
20 be here this very second.

21 MR. McNAMARA: Extremely.

22 A Pardon me?

23 Q In 2005, did you work in the
24 United States?

25 A Yes.

1 A. Amir Arevalo

2 Q Where did you work in 2005?

3 A I worked at a car wash for about
4 three months. After there, I worked at
5 Suffolk Paving.

6 Q When did you start working at
7 Suffolk Paving?

8 A February 15, 2006.

9 Q Do you remember just testifying
10 to me that you started working at Suffolk
11 Paving in 2005?

12 MR. McNAMARA: Objection.

13 A No. I said that I was working
14 at the car wash.

15 Q And then Suffolk Paving?

16 A Yes.

17 Q You only started working for
18 Suffolk Paving in 2006, is that what your
19 testimony is?

20 A Yes.

21 Q Are you sure?

22 MR. McNAMARA: Objection.

23 A When I was working at
24 Suffolk Paving, that was around that time.
25 Before that, it was a union. It was Suffolk

1 A. Amir Arevalo

2 Paving. It was connected to Michael Turco
3 (phonetic). I worked there with him for a
4 few months, and then I worked at Suffolk
5 Paving after they separated and then worked
6 directly for him.

7 Q When did you start working for
8 Suffolk Paving?

9 A February 15, 2006.

10 Q What car wash did you work at
11 in 2005?

12 A One that's located at 27.

13 Q Twenty-seven what?

14 A The car wash is on 27, past
15 Saxon Avenue.

16 Q Is that in Bay Shore?

17 A Yes.

18 Q How much were you paid there?

19 A About \$4 an hour.

20 Q Did you pay taxes?

21 A No, I was paid in cash.

22 Q And you got tips there too?

23 MR. McNAMARA: Objection.

24 A Yes.

25 Q How much did you walk away with

1 A. Amir Arevalo

2 per day?

3 A Twenty-five to \$30.

4 Q And you never paid taxes on any
5 of that money; correct?

6 MR. McNAMARA: Objection.

7 A No, not while I was working
8 there. I didn't pay any.

9 Q You know when you get paid money
10 and you don't pay taxes on it, you're
11 breaking the law?

12 MR. McNAMARA: Objection.

13 Q Do you understand that?

14 A Yes.

15 Q In 2006, you started working at
16 Suffolk Paving; is that correct?

17 A (Nodding.)

18 Q Use your words.

19 A Yes.

20 Q How did you find a job in
21 Suffolk Paving in 2006?

22 A How did I find it?

23 Q Yes.

24 A My cousin was working there.

25 Q Who is your cousin?

1 A. Amir Arevalo

2 A Jose Castillo.

3 Q What type of job did you ask
4 for?

5 A I was a mechanic.

6 Q Is that the job that you had
7 while you were working at Suffolk Paving
8 in 2006?

9 A I didn't understand the
10 question.

11 Q Did you work as a mechanic for
12 Suffolk Paving in 2006?

13 A Yes.

14 Q Did you work there in all
15 of 2006?

16 A I worked for four years.

17 Q I'm only asking you about 2006.

18 A Yes.

19 Q You worked there for all
20 of 2006; correct?

21 A Yes, all of 2006, I was working
22 in mechanics.

23 Q But you didn't work in January
24 of 2006?

25 A In January, no.

1 A. Amir Arevalo

2 Q Did you work there in February
3 of 2006?

4 A I worked on the 15th, from that
5 point on.

6 Q The 15th of what?

7 A The 15th of January.

8 Q Are you sure?

9 A No, the 15th of February.

10 Q Is it January or February?
11 Please make up your mind.

12 MR. McNAMARA: Objection.

13 A February.

14 Q So when you said January before,
15 you were lying; correct?

16 MR. McNAMARA: Objection.

17 A The thing is that you're saying
18 February, January. I got confused.

19 Q So rather than admit that you
20 were lying, you're going to say you were
21 confused; correct?

22 MR. McNAMARA: Objection.

23 A I was confused.

24 Q You worked from February 15, 2006
25 until when in 2006?

1 A. Amir Arevalo

2 A August 25, 2009.

3 Q Did you get laid off in the end
4 of 2006?

5 A Laid off? I don't understand
6 the question.

7 Q Did you get laid off from work
8 at the end of 2006?

9 A Oh, that was in 2009.

10 Q You went to work every day
11 in 2006?

12 MR. McNAMARA: Objection.

13 A Every day.

14 Q Did you have off on weekends?

15 A Sometimes I worked on Saturdays,
16 sometimes Sundays. Sometimes, sometimes
17 Saturday, Sunday.

18 Q Where there ever any holidays?

19 A A few.

20 Q Christmas?

21 A Christmas? That, I remember,
22 yes.

23 Q Easter?

24 A No.

25 Q You worked during Easter?

1 A. Amir Arevalo

2 A Yes.

3 Q Fourth of July?

4 A It was a day -- a national -- a
5 day that I didn't work. I don't know if that
6 was the 4th of July. I don't remember.

7 Q You never had any days off, is
8 that what your testimony is?

9 A No. Days off? I don't
10 remember.

11 Q You don't remember if you had
12 days off?

13 A Days off? Hardly ever, hardly
14 ever. Every day working.

15 Q You're sure you worked for
16 Suffolk Paving in 2006; correct?

17 A (Nodding.)

18 Q Use your words.

19 A Yes.

20 Q Who did you work for in 2007?

21 A For Suffolk Paving.

22 Q Did you work for Suffolk Paving,
23 in all of 2007?

24 A Yes.

25 Q Who did you work for in 2008?

1 A. Amir Arevalo

2 A Suffolk Paving.

3 Q Did you work for Suffolk Paving
4 in all of 2008?

5 A Yes.

6 Q Who did you work for in 2009?

7 A For Suffolk Paving.

8 Q Did you work for Suffolk Paving
9 in all of 2009?

10 A No, not all of it. I was fired.

11 Q What were you fired for?

12 A My boss told me to connect a
13 truck to a trailer. There was something
14 there that wasn't right. He got angry. He
15 yelled at me. He told me that there wasn't
16 any work for me there and to go home.

17 Q Who was that boss?

18 A George.

19 Q Do you think he only fired you
20 because you're Hispanic?

21 MR. McNAMARA: Objection.

22 A Yes, he fired me many times, and
23 out of necessity, I continued there.

24 Q So if he fired you, how did you
25 continue there?

1 A. Amir Arevalo

2 A I would go away, do another job,
3 he would calm down, and it would pass.

4 Q And he only fired you because
5 you were Hispanic?

6 A I think so.

7 Q You were Hispanic when he hired
8 you; right?

9 MR. McNAMARA: Objection.

10 A He didn't hire me. He was just
11 my boss in mechanics, but the owner, I don't
12 know.

13 Q My question was: Were you
14 Hispanic when you were hired?

15 MR. McNAMARA: Objection.

16 A Yes.

17 Q And you were Hispanic when you
18 were fired?

19 A Of course.

20 Q And you were Hispanic the entire
21 time?

22 MR. McNAMARA: Objection.

23 A Of course.

24 Q So if you were Hispanic and they
25 didn't like Hispanics, they probably wouldn't

1 A. Amir Arevalo

2 have hired you; right?

3 MR. McNAMARA: Objection.

4 Q Right?

5 A (No verbal response.)

6 Q Si or no?

7 A That's -- that's -- I didn't
8 understand that.

9 Q Of course not. Your answer is
10 clear. Thank you.

11 A Okay.

12 Q I want you to just answer the
13 questions I ask you and not anything else.
14 If your attorney, you know, the individual
15 you testified about before, wants to add
16 something, he's aware of proper avenues to do
17 so. Just answer the question.

18 Do you understand?

19 A Yes, yes.

20 Q Are you suing Suffolk Paving
21 because you were fired?

22 MR. McNAMARA: Objection.

23 A I'm suing them for stolen hours,
24 because I can't apply for or sue for being
25 fired.

1 A. Amir Arevalo

2 Q Who told you can't sue for being
3 fired?

4 A My attorney.

5 Q This fellow (indicating)?

6 A Yes, my attorney.

7 Q And your attorney said you can't
8 sue for being fired; correct?

9 A Yes.

10 Q So instead, you're suing for
11 hours; correct?

12 A Exactly.

13 Q Just because you can't sue for
14 being fired; correct?

15 MR. McNAMARA: Objection.

16 A Pardon me?

17 Q Just because you can't sue for
18 being fired; correct?

19 MR. McNAMARA: Objection.

20 A Yes.

21 Q Okay, that makes sense to me. I
22 understand that now.

23 When you started working for
24 Suffolk Paving in 2006, how much did you make
25 an hour?

1 A. Amir Arevalo

2 A I made about thirteen. From
3 there, it went up to fifteen, and I finished
4 with seventeen.

5 Q First, you started making \$13 an
6 hour, then you were making \$15 an hour, and
7 then you were making \$17 an hour?

8 A For one year, it was thirteen.
9 The following year, it was fifteen, and then
10 the last two, seventeen.

11 Q That's pretty good; right?

12 A Yes. Mechanic.

13 Q That's better than the \$4 an
14 hour you were making at the car wash;
15 correct?

16 MR. McNAMARA: Objection.

17 A Yes.

18 Q You made a good living when you
19 worked at what you say is Suffolk Paving;
20 correct?

21 MR. McNAMARA: Objection.

22 A Not much. A little.

23 Q What? \$17 an hour, that's not
24 enough?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A For what I was doing?

3 Q I'm asking you: \$17 an hour was
4 not enough for you; yes or no?

5 A No.

6 Q You wanted more money; right?

7 MR. McNAMARA: Objection.

8 A For what you know, for your job,
9 for what I was doing, it had to be more.

10 Q You wanted more than \$17 an
11 hour; correct?

12 A Of course.

13 Q You were unhappy with \$17 an
14 hour; correct?

15 MR. McNAMARA: Objection.

16 A No.

17 Q Correct, you were unhappy;
18 right?

19 MR. McNAMARA: Objection.

20 A Yes.

21 Q Did you try to find another job
22 that paid you more?

23 A No.

24 Q Why not, if you were so unhappy?

25 A No.

1 A. Amir Arevalo

2 Q Why not, if you were so unhappy?

3 A I simply just continued on over
4 there. I didn't try to get anything outside.

5 Q Did you get paid in check or
6 cash?

7 A Check.

8 Q You got a check every week;
9 correct?

10 A Yes.

11 Q Those checks indicated the hours
12 you worked every week; correct?

13 MR. McNAMARA: Objection.

14 A Yes.

15 Q When you received those checks,
16 did you look at them?

17 A Yes.

18 Q You looked at them every week;
19 correct?

20 A Yes.

21 Q You're saying you never received
22 cash; correct?

23 MR. McNAMARA: Objection.

24 A No, I didn't receive cash.

25 Q So if there is video of you

1 A. Amir Arevalo

2 receiving cash payments, you wouldn't be
3 lying to me; correct?

4 MR. McNAMARA: Objection.

5 A I didn't receive cash.

6 Q Look at me. If there is
7 videotape --

8 MR. McNAMARA: Objection.

9 Q -- of you receiving payments in
10 cash, you wouldn't be lying to me?

11 MR. McNAMARA: Objection.

12 A I didn't receive cash.

13 Q And if you have coworkers that
14 say you received cash, would they be lying?

15 A No, I never received cash. If
16 my other coworkers received cash, I don't
17 know. Some say that, yes, they were paid in
18 cash, that they got cash.

19 Q Which of your coworkers say that
20 they got cash?

21 MR. McNAMARA: Objection.

22 A One said that he got cash,
23 Mendez.

24 Q Well, you said some of your
25 coworkers.

1 A. Amir Arevalo

2 Who are the other coworkers who
3 say they got cash?

4 MR. McNAMARA: Objection.

5 A Well, from him, I heard that
6 yes, there were others that got cash.

7 Q What were their names?

8 A I don't know exactly how many,
9 and who got cash, but I did find out about
10 one who was getting cash.

11 THE INTERPRETER: Would it be
12 okay if we took a break?

13 MR. ZABELL: Sure.

14 THE INTERPRETER: About ten
15 minutes?

16 MR. ZABELL: That's fine.

17 (Whereupon, a recess was taken
18 from 11:00 a.m. until 11:10 a.m.)

19 Q Mr. Arevalo -- if that's your
20 real name -- were you asked to provide
21 documents to your attorneys indicating when
22 you worked for Suffolk Paving?

23 MR. McNAMARA: Objection.

24 Q You may answer.

25 A Pardon me? The question?

1 A. Amir Arevalo

2 Q Did you provide documents to
3 your attorneys indicating when you worked for
4 Suffolk Paving?

5 MR. McNAMARA: Objection.

6 A Yes.

7 Q Remember I asked you if you
8 looked at all your pay stubs when you got
9 them? Do you remember that?

10 A Yes.

11 Q And you told me you looked at
12 them every week; correct?

13 A Yes.

14 Q You told me that they indicated
15 that you got \$13, \$15, or \$17 an hour;
16 correct?

17 A Yes.

18 Q And that the checks indicated
19 each hour that you worked; correct?

20 A Yes.

21 (Document consisting of a copy
22 of Mr. Arevalo's W-2 was marked as
23 Defendants' Exhibit Number 2, for
24 identification as of this date.)

25 Q I'm going to ask you to take a

1 A. Amir Arevalo

2 look at this document. We're going to
3 identify it as Defendants' Exhibit Number 2
4 with today's date. (Handing.)

5 Do you know what that document
6 is?

7 A (Perusing.) Yes. This is what
8 they give you to do your income tax.

9 Q Right. Who gave it to you?

10 A They gave it to me over there at
11 the end of the year.

12 Q Who is "they"?

13 A At Suffolk.

14 Q I'm going to ask you to take a
15 look at the bottom, right-hand corner.

16 Do you see where it says P0206?
17 That indicates that your attorneys provided
18 this documentation to me. Did you provide
19 those documents to them?

20 MR. McNAMARA: Objection.

21 A To my attorneys?

22 Q Yes.

23 A Yes.

24 Q Can you show me whether on these
25 documents it indicates that you worked for

1 A. Amir Arevalo

2 Suffolk Paving?

3 MR. McNAMARA: Objection.

4 A (Perusing.) Suffolk Paving
5 doesn't show up here, because Suffolk Paving
6 was divided into different names, so, of
7 course, Suffolk Paving is not shown here.

8 Q Remember when I told you that
9 you have to just answer the questions I ask
10 you? Do you remember I said that?

11 A Yes.

12 Q Do you remember I said it's
13 going to be a long day if you try to answer
14 things that I don't ask you? Do you remember
15 that?

16 A Yes.

17 Q Can you show where on
18 Defendants' Exhibit 2 it shows that you
19 worked for a company called Suffolk Paving?

20 A Of course, it's not here.

21 Q Right. So nothing on
22 Defendants' Exhibit 2 shows that you worked
23 for Suffolk Paving; right?

24 A (No verbal response.)

25 Q Correct?

1 A. Amir Arevalo

2 A (Nodding.)

3 Q Use your words.

4 A Of course, no, it doesn't appear
5 here.

6 Q But you know that every check
7 that you received every week showed that you
8 worked for Suffolk Paving; right?

9 A Suffolk Paving doesn't appear.

10 Q Just answer the question. Every
11 week you got a check, you testified to that.

12 Did those checks say Suffolk
13 Paving on them?

14 A No.

15 Q Oh, so Suffolk Paving didn't
16 even pay you; correct?

17 A (No verbal response.)

18 Q Answer the question.

19 A Yes, Suffolk Paving -- well, I'm
20 answering it.

21 Q Did you get checks from
22 Suffolk Paving every week?

23 A From the company?

24 Q Yes or no?

25 A Yes. But since the company was

1 A. Amir Arevalo

2 divided into several names...

3 Q How do you know the company was
4 divided into several names?

5 A Because one of the coworkers had
6 a name -- for example, over here
7 (indicating), it says Cross Island
8 Industries. There were others, and we would
9 compare our checks, and there were different
10 names that would appear.

11 Q Who would you compare checks
12 with?

13 A With coworkers, Mendez. The
14 only one I compared mine with, the names were
15 different.

16 Q Did Mendez work in the shop with
17 you?

18 A No. We would compare them
19 sometimes. Sometimes I would go out with
20 him to work. We would work outside.

21 Q I didn't ask you that question.
22 Did Mendez work in the shop?
23 Was his job in the shop?

24 A No, Mendez never worked in the
25 shop.

1 A. Amir Arevalo

2 Q But your job was in the shop;
3 correct?

4 A Yes.

5 Q Mendez didn't fix the machinery;
6 did he? You fixed the machinery; right?

7 A Yes.

8 Q And you didn't lay pavement; did
9 you?

10 A Once in awhile.

11 Q When?

12 A I would go out and work whenever
13 the company -- whenever it got busy.

14 Q When? What year and what month?

15 A Practically, the middle of the
16 year. It was busy outside, so I would leave
17 my mechanic's job and go work outside.

18 Q So in 2006, when did you go
19 outside; what month?

20 A Sometimes I went out to work the
21 middle of the year, towards the end of the
22 year, when it got busy at the company.

23 Q I'm asking you for specific
24 dates and days.

25 A I don't remember.

1 A. Amir Arevalo

2 Q In 2006, you worked for a
3 company called L&V Site Development; didn't
4 you?

5 A I don't remember.

6 Q In 2007, you worked for a
7 company called Cross Island Industries;
8 correct?

9 A I don't remember.

10 Q In 2008, you worked for a
11 company called Cross Island Industries;
12 correct?

13 A I don't remember. I would have
14 to look and check.

15 Q Well, these are documents that
16 you provided to your attorneys. Take a look
17 at Defendants' Exhibit 2.

18 A Which one, this one
19 (indicating)?

20 Q Yes, Exhibit 2. It's got a
21 label on it.

22 A (Perusing.)

23 Q How about an answer?

24 A (No verbal response.)

25 Q How about an answer?

1 A. Amir Arevalo

2 MR. McNAMARA: Objection,
3 Counselor. He's reviewing the
4 document.

5 Q Can I get an answer?

6 MR. ZABELL: It's a two-page
7 document. He has taken an inordinate
8 amount of time staring at it.

9 Q How about an answer?

10 A (No verbal response.)

11 Q Mr. Arevalo, we're waiting for
12 an answer.

13 A Over here (indicating), it
14 shows -- is he asking me if I looked -- over
15 here (indicating), it shows Louie --

16 Q What are you pointing to?

17 A The name, the name.

18 Q L&V Site Development?

19 A Yes.

20 Q So in 2006, it shows you work
21 for L&V Site Development; correct?

22 MR. McNAMARA: Objection.

23 Q Right? L&V Site Development;
24 yes?

25 A Yes.

1 A. Amir Arevalo

2 Q And in 2007, it shows Cross
3 Island Industries; correct?

4 A Yes.

5 Q Now, in 2008, it shows Cross
6 Island Industries; correct?

7 A Yes.

8 Q In 2007, you worked for
9 Cross Island Industries. In 2008, you worked
10 for L&V Site Development, and then, again,
11 in 2008, you worked for Cross Island
12 Industries; correct?

13 A I'd have to look at my income
14 tax.

15 Q Hey, hey, hey, just answer the
16 question.

17 Do you have any documents that
18 show you worked for Suffolk Paving during
19 those years?

20 A No, Suffolk Paving, no.

21 Q I'll take that back.

22 A (Handing.)

23 Q You said you received paychecks
24 from Suffolk Paving throughout your
25 employment with Suffolk Paving; right?

1 A. Amir Arevalo

2 A Yes.

3 Q Are you sure?

4 A Checks, yes.

5 (Document consisting of copies
6 of Mr. Arevalo's check stubs were
7 marked as Defendants' Exhibit Number 3,
8 for identification as of this date.)

9 Q I'm going to show you a document
10 identified as Defendants' Exhibit Number 3
11 with today's date. Take a look at that
12 document, please. (Handing.)

13 A (Perusing.)

14 Q You've seen that document?

15 A Yes.

16 Q What is that document?

17 A These are check stubs.

18 Q Those numbers at the bottom
19 right-hand corner indicate that that gang of
20 merry people who call themselves your
21 attorneys provided that document to me.

22 Did you provide those documents
23 to them?

24 MR. McNAMARA: Objection.

25 A Yes. But how can I be sure that

1 A. Amir Arevalo

2 these documents are the ones that I gave to
3 my attorney, the ones that you are showing
4 me?

5 Q Do you think they are lying to
6 me?

7 MR. McNAMARA: Objection.

8 A Could be. I'd have to look at
9 the ones I have to compare them with these.

10 Q Do you want to get the ones you
11 have?

12 A No.

13 Q Go get them. We'll wait for
14 you.

15 A I don't have a way to go.

16 Q Patrick will drive you. Go
17 ahead. We'll wait; okay?

18 MR. McNAMARA: Can we take a
19 break?

20 MR. ZABELL: After he answers
21 the question.

22 MR. McNAMARA: What's the
23 pending question?

24 Q You're going to go get those
25 documents now; right?

1 A. Amir Arevalo

2 A No, these are them.

3 Q Could you show me where it says
4 Suffolk Paving in any of those documents?

5 A It doesn't say.

6 Q Right. It says that you worked
7 for somebody else; correct?

8 A (No verbal response.)

9 Q Correct?

10 A Yes, Cross Island Industries.

11 Q Now, these documents are all
12 your pay stubs; correct?

13 A Yes.

14 Q And these are all the pay stubs
15 you provided to your attorneys; correct?

16 A Yes.

17 Q They also show how much you
18 made; correct?

19 A Yes. The only thing that is
20 missing here is the hours.

21 Q But you said before that your
22 pay stubs that you got indicated the hours
23 that you worked; correct?

24 A On a few. On some of the pay
25 stubs, you can see the hours, but then on the

1 A. Amir Arevalo

2 rest, it doesn't show.

3 Q But we're just talking about the
4 testimony you gave before, and you testified
5 that when you got your paycheck, it showed
6 you the hours that you worked; correct?

7 A (No verbal response.)

8 Q Correct; do you remember
9 testifying to that?

10 A (No verbal response.)

11 Q Do you remember testifying to
12 that?

13 A (No verbal response.)

14 Q Si or no?

15 A Forty hours, yes. It shows up
16 there, but the rest do not.

17 (Document consisting of copies
18 of pay stubs from Mr. Arevalo's
19 employers from the years 2005 and 2006
20 were marked as Defendants' Exhibit
21 Number 4, for identification as of this
22 date.)

23 Q I'm going to show you a document
24 I've identified as Defendants' Exhibit Number
25 4. Take a look at that document. (Handing.)

1 A. Amir Arevalo

2 A (Perusing.)

3 Q Do you know what that document
4 is?

5 A It's similar to the other one.

6 Q Right. And it's pay stubs from
7 your employers from the years 2005 and 2006;
8 correct?

9 A (Nodding.)

10 Q Use your words.

11 A Yes.

12 Q Could you show me where on those
13 pay stubs -- actually, before I ask that
14 question, they're the pay stubs that you
15 provided to your attorneys; correct?

16 A Yes.

17 Q Can you show me where on those
18 pay stubs it shows the words Suffolk Paving?

19 A They don't say.

20 Q Take your time. Look through
21 each one. I'll be right here. I'm not going
22 anywhere.

23 A (Perusing.)

24 Q I'm going to correct that. I am
25 going to go somewhere. I'm just going to

1 A. Amir Arevalo

2 take a thirty-second break while you look
3 through those documents; okay?

4 A Okay.

5 (Whereupon, a recess was taken
6 from 11:32 a.m. until 11:34 a.m.)

7 Q So you had an opportunity to
8 look through every page; correct?

9 A Yes.

10 Q Could you show me the words
11 Suffolk Paving anywhere in this document?

12 A It doesn't appear.

13 Q So maybe you didn't work for
14 Suffolk Paving during those years; correct?

15 A The company -- the company is
16 called Suffolk Paving, but the ones you paid
17 were the names that appear on the check
18 stubs, but, in general, what I'm referring to
19 by Suffolk Paving is everything, but inside
20 they're denominated by different -- the
21 checks, you can see the exact names of each
22 one, but I'm talking about generally.

23 Q So you worked inside the shop on
24 vehicles; correct?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A Yes.

3 Q Those vehicles were owned by
4 Cross Island Industries; correct?

5 A It's says below --

6 Q Hey, hey, hey, just answer the
7 question.

8 Those vehicles were owned by
9 Cross Island Industries; correct?

10 A Yes.

11 Q All your friends worked out in
12 the fields; correct?

13 A Yes.

14 Q They did different work than you
15 did; correct?

16 A Yes.

17 Q So they could have been working
18 for Suffolk Paving, and you could have been
19 working for Cross Island Industries; correct?

20 A Yes.

21 Q Okay. So when you say in 2005
22 you worked for Suffolk Paving, you're
23 incorrect?

24 MR. McNAMARA: Objection.

25 A I didn't say that it was

1 A. Amir Arevalo

2 in 2005.

3 Q You didn't work for Suffolk
4 Paving in 2005?

5 A No, 2006.

6 Q All right. Did you work for
7 Cross Island Industries in 2005?

8 A No.

9 Q You're sure you didn't work for
10 Suffolk Paving or any of these other
11 companies related to Suffolk Paving in 2005?

12 A No.

13 Q You're absolutely positive?

14 A Yes.

15 Q And if you later claim that you
16 did work for them in 2005, I could call you a
17 liar; right?

18 THE INTERPRETER: I'm sorry.

19 Madame court reporter, please read that
20 question to me.

21 (Whereupon, the requested
22 portion of the record was read by the
23 court reporter.)

24 MR. McNAMARA: Objection.

25 A No. In 2005, I didn't work

1 A. Amir Arevalo

2 there.

3 Q Are you sure?

4 A I worked in 2006.

5 Q You'll never, ever, ever say
6 that you worked for Suffolk Paving in 2005;
7 correct?

8 MR. McNAMARA: Objection.

9 A Pardon me?

10 Q You're never going to say that
11 you worked for Suffolk Paving in 2005;
12 correct?

13 A No, no. In 2005, I didn't work.

14 Q Can you say, in 2005, I never
15 worked for Suffolk Paving?

16 A No.

17 Q No or yes?

18 A No.

19 Q So no, you did work for them?

20 A No, but yes. What's that?

21 Q We might be saying the same
22 thing. I just want to make sure.

23 Did you work for Suffolk Paving
24 or any Suffolk Paving-related entities
25 in 2005?

1 A. Amir Arevalo

2 A The thing is, Suffolk Paving --
3 Suffolk Paving is the whole company, but
4 you're referring to the different names on
5 the checks -- the different names on the
6 checks.

7 Q Did you work for Cross Island
8 Industries in 2005?

9 A (No verbal response.)

10 Q Answer; yes or no?

11 A Yes, yes, for the whole company.

12 Q Oh, so you worked for Cross
13 Island Industries in 2005? What did you do
14 in 2005?

15 A No, in 2005, I didn't work.

16 Q Tell me, right now, all the jobs
17 you had in 2005.

18 MR. McNAMARA: Objection.

19 A In 2005, I said that I worked at
20 the car wash and later on for the company.

21 Q What company?

22 A It's where -- I can't say the
23 name, because I don't know it in English, but
24 I could tell you that it was for the names
25 that appear on the check stubs. I worked for

1 A. Amir Arevalo

2 them.

3 Q Do you know what companies you
4 worked for in 2005?

5 A The thing is, in 2005, I didn't
6 work.

7 Q Tell me all the companies you
8 worked for in 2005, any employer you had.

9 MR. McNAMARA: Objection.

10 A The thing is, in 2005 -- it was
11 in 2006. In 2005, I didn't work there.

12 Q Listen to me. I'm only asking
13 you about 2005.

14 Do you understand that?

15 A Yes. But I didn't work for the
16 company in 2005.

17 Q For what company?

18 A I didn't work for the company
19 in 2005, but in 2006, I did work for the
20 company Suffolk Paving and the names that
21 show up on the pay stubs.

22 Q Did you ever receive a paycheck
23 from Suffolk Paving in 2006?

24 MR. McNAMARA: Objection.

25 A No.

1 A. Amir Arevalo

2 Q Did you ever receive a paycheck
3 from Suffolk Paving in 2007?

4 A No, that exact name, no.

5 Q Did you ever receive a paycheck
6 from Suffolk Paving in 2008?

7 A No.

8 Q Did you ever receive a paycheck
9 from Suffolk Paving in 2009?

10 A No.

11 Q And you think you worked for
12 Suffolk Paving, because your friends worked
13 for Suffolk Paving; correct?

14 MR. McNAMARA: Objection.

15 Q Yes or no?

16 A Maybe with my friends there were
17 names and maybe Suffolk Paving appeared, but
18 in my checks, the name Suffolk Paving did not
19 appear.

20 Q Right. And you only think you
21 worked at Suffolk Paving because your friends
22 worked at Suffolk Paving?

23 MR. McNAMARA: Objection.

24 Q Correct?

25 A Yes.

1 A. Amir Arevalo

2 Q Did you ever work for Suffolk
3 Asphalt in 2006?

4 A Asphalt, yes, but when I was
5 working in the shop, sometimes I went out
6 with Mendez to go lay RCA and concrete with
7 Mendez. Once in awhile, I went out with
8 Mendez.

9 Q It was just you and Mendez;
10 right?

11 A No, there were others.
12 Sometimes I went out with Renato. I don't
13 know his exact name, but I knew him as
14 Renato.

15 Q Do you remember what day and
16 what year you went out with Mendez and
17 Renato?

18 A I don't remember the exact day,
19 but I did go out once in awhile.

20 Q Do you remember the year?

21 A During the years I was working;
22 '06, '07, '08, '09, midyear, I would go out
23 with them.

24 Q Do you remember the names of any
25 of the projects?

1 A. Amir Arevalo

2 A Names, I can't. They would just
3 send me out to pour asphalt sometimes.

4 Q I thought you just said RCA.

5 A Why?

6 Q Didn't you just say you went to
7 spread RCA and not spread asphalt?

8 A With Mendez. Mendez wouldn't
9 pour asphalt. Once in awhile, it was
10 asphalt.

11 Q Were you ever in a union?

12 A No.

13 Q Do you know who owns
14 Suffolk Asphalt?

15 A The actual owner?

16 Q Yes.

17 A I don't know. Could be Louie.

18 Q Do you know who owns
19 Suffolk Paving?

20 A In general, it's Louie. It's
21 him.

22 Q Do you know whether there are
23 any other owners, other than Louie?

24 A His wife, his son.

25 Q Why do you believe that his wife

1 A. Amir Arevalo

2 and his son are the owners of company?

3 A They're the ones that manage the
4 company.

5 Q They manage it, but do you know
6 if they own it?

7 A Yeah, they are the owners.

8 Q How do you know?

9 A They are the owners.

10 Q How do you know?

11 A I don't know. Just because I
12 see. It's logical that they would be the
13 owners. They're the bosses.

14 Q So you have no reason to believe
15 that Louis Vecchia's wife and son are owners
16 of Suffolk Paving?

17 A Yes, they are the owners.

18 Q On what do you base that?

19 A They're the owners. It's
20 logical.

21 Q Look. I could say I have a full
22 head of hair, but just because I say it
23 doesn't make it true.

24 Are you familiar with the
25 corporate structure of Suffolk Paving?

1 A. Amir Arevalo

2 MR. McNAMARA: Objection.

3 A Familiarize, no.

4 Q So all you know is Louie Vecchia
5 would tell you how to do stuff; correct?

6 MR. McNAMARA: Objection.

7 A Yes.

8 Q Louie treated you fair; didn't
9 he?

10 A No.

11 Q He didn't treat you fairly?

12 A No.

13 Q Did he yell at you?

14 A Sometimes.

15 Q Did you deserve to get yelled
16 at?

17 A No.

18 Q He yelled at you about work
19 things; right?

20 A Yes.

21 Q He yelled at you about falling
22 asleep under a tree; right?

23 MR. McNAMARA: Objection.

24 A Yes. He knows a lot. He knows
25 a lot. I remember I was working there and he

1 A. Amir Arevalo

2 would come there a lot.

3 Q Do you remember you fell asleep
4 under the truck?

5 A Yes, once.

6 Q Once or twice?

7 A Once.

8 Q Eh, eh, eh, eh. Once or twice?

9 MR. McNAMARA: Objection.

10 A Once.

11 Q Did you get fired when you fell
12 asleep under the truck?

13 A No.

14 Q Should you have gotten fired?

15 MR. McNAMARA: Objection.

16 A No, no.

17 Q Eh, eh, eh.

18 A No, because it wasn't a big
19 deal. Sleeping, I remember.

20 Q How long did you fall asleep for
21 under the truck?

22 A Ten, fifteen minutes.

23 Q You had a good sleep?

24 A No, I didn't have a good sleep.

25 Q A little siesta?

1 A. Amir Arevalo

2 A Yes.

3 Q You felt refreshed when you woke
4 up?

5 A I felt disoriented. I thought I
6 was going to be fired.

7 Q Why did you think you were going
8 to be fired?

9 A Because I had fallen asleep.

10 Q And when you fall asleep at
11 work, you're supposed to get fired; right?

12 A I don't know, I don't know.

13 Q But you thought you were going
14 to get fired; right?

15 A Yes.

16 Q How did you wake up?

17 A Oh, because I could hear being
18 yelled at.

19 Q So you got woken up because you
20 got caught sleeping; right?

21 A Yes.

22 Q Who caught you?

23 A Louie.

24 Q Did you feel bad?

25 A Of course, yes.

1 A. Amir Arevalo

2 Q Because you let him down; right?

3 A Yes.

4 Q What kind of truck did you fall
5 asleep under?

6 A Ten-wheeler. Ford -- Ford,
7 ten-wheeler.

8 Q Was there a name on the side of
9 that truck?

10 A Mack.

11 Q Was there a name on the side of
12 that truck?

13 A Suffolk Paving Corporation -- I
14 don't remember the rest.

15 Q Didn't it say Cross Island
16 Industries?

17 A In the beginning, it did say,
18 but that sticker that they had, they modified
19 it.

20 Q So there was something
21 underneath that sticker?

22 A I don't remember, I don't
23 remember.

24 Q What time of day was it that you
25 fell asleep under the truck?

1 A. Amir Arevalo

2 A It was around 10:00, 10:30.

3 Q In the morning?

4 A Yes, in the morning.

5 Q Do you have any hobbies?

6 A Pardon me?

7 Q Do you have any hobbies?

8 THE INTERPRETER: There is no
9 direct interpretation for the word
10 "hobbies." It's things that you do for
11 pleasure.

12 Q What do you like to do when you
13 are not working?

14 A To be with my children.

15 Q Do you go to church?

16 A No.

17 Q Do you go to any sports
18 functions?

19 A I like soccer.

20 Q Do you play soccer?

21 A Yes.

22 Q Did you ever play soccer at the
23 shop?

24 A No, no.

25 Q Did you ever see anybody else

1 A. Amir Arevalo

2 play soccer at the shop?

3 A No.

4 Q Not even once or twice?

5 A No. But I heard some commentary
6 about a few of them playing. I found out
7 about a group that played soccer there, but
8 me, personally, no.

9 Q Who was in that group that
10 played soccer?

11 A I don't know. I heard Mendez.
12 I don't know who was in the group exactly.

13 Q Did you ever see a soccer ball
14 around?

15 A No, no. Around? No, not that I
16 know of.

17 Q What time would you get to work
18 in the morning?

19 A I would arrive at 6:30.

20 Q Was anybody else around when you
21 got in?

22 A Yes, there was someone else.

23 Q Who?

24 A Eric.

25 Q Who's Eric?

1 A. Amir Arevalo

2 A Eric is the person who was
3 working in the back, working with the
4 payload. It's a machine.

5 Q So at 6:00 in the morning, it
6 was just the two of you?

7 MR. McNAMARA: Objection.

8 A At 6:30, he worked a lot. There
9 were other people that were working earlier
10 than that, but I didn't see them.

11 Q You didn't see them, so it was
12 just you and Eric; right?

13 A For the whole time, practically,
14 it was just him and I. The other groups
15 would start earlier, and I wouldn't see them.

16 Q So you wouldn't see the other
17 groups there; right?

18 A No.

19 Q Sometimes the gates would be
20 locked; correct?

21 A What do you mean? I don't
22 understand.

23 Q The gate to enter into the
24 parking lot.

25 A No, it was open, because of

1 A. Amir Arevalo

2 those that arrived early, they opened
3 everything.

4 Q How do you know?

5 A Because when I arrived, it was
6 already opened.

7 Q What time would you leave?

8 A At 5:00.

9 Q What time would you eat
10 breakfast in the morning?

11 A At 9:30. At the time the coffee
12 truck arrived.

13 Q What would you order from the
14 coffee truck?

15 A No, I would bring in my own
16 food.

17 Q What would you eat at 9:30;
18 platanos, beans?

19 A Yes, bananas, tortillas, cheese,
20 cream.

21 Q And you'd eat your breakfast;
22 right?

23 A Yes, I would eat.

24 Q What time would you eat lunch?

25 A At the same time the coffee

1 A. Amir Arevalo

2 truck came. That was the time that George
3 got his lunch, so I would get mine.

4 Q What time was that?

5 A It was, practically, at 1:00,
6 1:00.

7 Q So you would eat lunch with
8 George; correct?

9 A Yes.

10 Q Would you talk to George during
11 lunch?

12 A No. Because he doesn't speak
13 much Spanish.

14 Q Do you speak much English?

15 A No.

16 Q Have you tried to learn it?

17 A No.

18 Q Why?

19 MR. McNAMARA: Objection.

20 A I haven't been able to. I don't
21 really understand it very well.

22 Q Did George ever sleep under a
23 truck?

24 A At the office, yes.

25 Q Did you ever sleep in the

1 A. Amir Arevalo

2 office?

3 A No, no.

4 Q Just that once; right?

5 A Only once.

6 Q Are you sure there weren't other
7 times that you just didn't get caught?

8 MR. McNAMARA: Objection.

9 A I didn't fall asleep again.

10 Q How about before then and you
11 just didn't get caught?

12 A No. That was the only time.

13 Q Do you know if you were snoring?

14 A No.

15 Q Were you snoring?

16 A I don't remember.

17 Q You might have been; right?

18 A Could be.

19 Q What did you do the night before
20 that you had to fall asleep under the truck?

21 A I wasn't able to sleep.

22 Q Why?

23 A Sometimes there are nights you
24 just can't fall asleep.

25 Q What's her name?

1 A. Amir Arevalo

2 A Who?

3 Q The one who wouldn't let you
4 sleep.

5 A No, no. I just simply couldn't
6 fall asleep.

7 Q Does your wife know about your
8 girlfriend?

9 MR. McNAMARA: Objection.

10 A No, I don't have a girlfriend.
11 She's the only one, only one.

12 Q Did you ever lie to her?

13 A Could be. A little.

14 Q To get something that you
15 wanted?

16 MR. McNAMARA: Objection.

17 A No, no.

18 Q To keep her in a good mood?

19 A Could be, yes.

20 Q Sometimes you lie to get people
21 to do things that you want them to do; right?

22 MR. McNAMARA: Objection.

23 A No, maybe just to my wife, but
24 not to other people that I respect.

25 Q Did you ever lie to your mom?

1 A. Amir Arevalo

2 A Yes.

3 Q Do you respect your mother?

4 A Yes. But there has been one
5 time or more than once that I've lied.

6 Q Did you ever lie to your father?

7 A Yes.

8 Q Do you respect your father?

9 A Yes, I respect him, but
10 sometimes because of being afraid of getting
11 hit, I've had to lie to him.

12 Q So you've had to lie to keep
13 yourself from getting punished; right?

14 A Yes.

15 Q That's all right. I'm sure your
16 lawyer has done the same thing. You can ask
17 him. He'll tell you.

18 MR. ZABELL: Let the record
19 reflect his lawyer can't speak, because
20 he has a delicious Dunkin' Donuts
21 Munchkin, donut-hole treat in his
22 mouth.

23 Is that a correct
24 representation, Counselor?

25 MR. McNAMARA: It is, but I

1 A. Amir Arevalo

2 don't understand why it's called donut
3 holes.

4 MR. ZABELL: Go ahead and tell
5 him that you've lied to your parents
6 too.

7 MR. McNAMARA: I've lied to my
8 parents.

9 MR. ZABELL: To keep yourself
10 from being punished?

11 MR. McNAMARA: Of course.

12 Q Have you lied to anybody else,
13 other than your parents and the person you
14 call your wife?

15 A Pardon me?

16 Q Just answer the question.

17 MR. McNAMARA: Objection.

18 A Well, my mother, my father --
19 there have been times that I've lied, but to
20 others, I don't think so.

21 Q You've never lied to a friend
22 when you've dated his girlfriend?

23 A No, no, no.

24 MR. ZABELL: Let the record
25 reflect that the deponent is laughing

1 A. Amir Arevalo

2 pretty hardily.

3 Counselor, is that a correct
4 representation?

5 MR. McNAMARA: That's fair.

6 Q You've never ever had to lie to
7 a friend?

8 A No.

9 Q When you've eaten his platanos?

10 A No.

11 MR. McNAMARA: Objection.

12 Q When you drank his cerveza?

13 A No.

14 Q No, you've never done that?

15 A No. I've tried beer, but I
16 don't like it. I don't drink.

17 Q What do you like to drink?

18 A What I like the most are juices,
19 but not liquor.

20 Q So you never lied to a friend
21 when you stole his juices?

22 A No.

23 MR. ZABELL: I think that we can
24 let the record reflect that both
25 Counsel and the deponent are laughing.

1 A. Amir Arevalo

2 MR. McNAMARA: Mr. Interpreter
3 and madame court reporter, as well.

4 Q Did you ever lie to
5 Louis Vecchia?

6 A No, I -- because I never spoke
7 to him.

8 Q [REDACTED]

9 [REDACTED]

10 MR. McNAMARA: Objection.

11 A [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED]

13 Q [REDACTED]

14 A [REDACTED]

15 Q [REDACTED]

16 [REDACTED]

17 MR. McNAMARA: Objection.

18 A [REDACTED].

19 Q [REDACTED]?

20 MR. McNAMARA: Objection.

21 A [REDACTED]

22 Q So you lied to your mother, your
23 father, you lied to the person you call your
24 wife, and you lied to Louis Vecchia; correct?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A [REDACTED]

3 Q [REDACTED]

4 A [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 A [REDACTED].

10 Q [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A I [REDACTED]

15 Q [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MR. McNAMARA: Objection.

19 A [REDACTED]

20 Q Just answer the question.

21 A I didn't understand it.

22 MR. ZABELL: Why don't we take a
23 lunch break now; okay?

24 THE WITNESS: Okay.

25 MR. ZABELL: It's 12:10 p.m.

1 A. Amir Arevalo

2 We'll come back at 1:00.

3 MR. McNAMARA: That's fine.

4 MR. ZABELL: We can go off the
5 record.

6 (Whereupon, a discussion was
7 held off the record.)

8 MR. ZABELL: Okay, we're going
9 to break for lunch, and we will meet
10 back here at 1:00.

11 MR. McNAMARA: That's fine.

12 (Whereupon, a luncheon recess
13 was taken from 12:15 p.m. to
14 12:55 p.m.)

15 Q Did you have a good lunch?

16 A Yes.

17 Q I want to remind you that you're
18 still under oath.

19 A Okay.

20 Q No more fibbing.

21 MR. McNAMARA: Objection.

22 A Okay.

23 Q Good?

24 A Yes.

25 Q You're not going to lie to me;

1 A. Amir Arevalo

2 right?

3 A No.

4 Q I had a chance during the break
5 to speak to Louie.

6 A Yes.

7 Q He said you fell asleep a couple
8 of times under the truck, right; so it was
9 more than once?

10 A Once.

11 Q He also said you would come to
12 work a little late sometimes; right?

13 A No.

14 Q A little bit?

15 MR. McNAMARA: Objection.

16 A (No verbal response.)

17 Q Are you going to deny that?

18 A No, no. Well, maybe when my
19 daughter was born, I arrived late, but from
20 what I remember, I always arrived at the same
21 time.

22 Q Did you ever take any time off
23 from work?

24 A Off? I don't remember.

25 Q You don't remember if you ever

1 A. Amir Arevalo

2 took any time off?

3 A No.

4 Q When your daughter was born, you
5 didn't take any time off?

6 A No, I didn't take it because I
7 had to work. If I didn't work, I wasn't
8 going to get paid.

9 Q How did you get to work every
10 day?

11 A I had a car.

12 Q So you drove yourself?

13 A Yes, sometimes. Yes, yes.

14 Q Sometimes or all the time?

15 A No. All the time that I worked
16 there, I drove.

17 Q Did you drive with anybody?

18 A No, just me.

19 Q You never gave anybody a lift to
20 work?

21 A No.

22 Q Why not?

23 A I just went there on my own.
24 Most of the guys that worked there would go
25 in earlier.

1 A. Amir Arevalo

2 Q They all went in earlier than
3 you?

4 A Yes, earlier.

5 Q And they were all gone by the
6 time you got there?

7 A Yes.

8 Q You got to work at 6:30 every
9 morning?

10 A Yes.

11 Q Not 7:00?

12 A No.

13 Q And you left at 4:00; right?

14 A No, 5:00.

15 Q True?

16 A At 5:00.

17 Q You took a forty-five-minute
18 lunch break?

19 A No, never.

20 Q Did you take a lunch break?

21 A Lunch? Yes. Depending if work
22 was busy, fifteen or twenty minutes, max.

23 Q You ate lunch with George;
24 right?

25 A Yes.

1 A. Amir Arevalo

2 Q So whatever George says he took
3 for lunch, you took for lunch; correct?

4 A Yes.

5 Q Was George the mechanic you
6 worked with?

7 A Yes.

8 Q You worked with George all the
9 time?

10 A Yes.

11 Q Do you like George?

12 A Well, he would get angry. I
13 realized he was smoking marijuana. Without
14 the effects of that, he's a calm person, but
15 when he's drugged up, it's just not good.

16 Q He was the one that was smoking
17 marijuana, but you were the one that was
18 falling asleep under the truck?

19 MR. McNAMARA: Objection.

20 Q Right?

21 A I fell asleep only once.

22 Q And you can't remember if you
23 were snoring or not; right?

24 A No, I don't remember.

25 Q Did you eat breakfast with

1 A. Amir Arevalo

2 George in the morning?

3 A Yes.

4 Q So however long George ate
5 breakfast, you ate breakfast; right?

6 A Yes.

7 Q Is George still working there?

8 A I think so.

9 Q Would George get to work in the
10 morning with you?

11 A He was already there. He would
12 enter earlier.

13 Q So George came to work before
14 you?

15 A Yes. I don't know at exactly
16 what time he would arrive, but when I
17 arrived, he was already there.

18 Q Would you leave at the same
19 time?

20 A I left at 5:00 and he would
21 stay. I don't know what time it was.

22 Q George was there when you got
23 there, and George was there when you left;
24 correct?

25 A Yes.

1 A. Amir Arevalo

2 Q Who talked you into suing
3 Suffolk Paving?

4 MR. McNAMARA: Objection.

5 A No one talked me into it.

6 Q How did you decide to sue
7 Suffolk Paving?

8 A The whole group. We commented
9 on just being fed up, and we didn't have any
10 other choice but to look for someone to help
11 us.

12 Q Who was the group leader?

13 MR. McNAMARA: Objection.

14 A There isn't a leader. It's just
15 the whole group. The union makes us strong.

16 Q What union?

17 A The union. If the group isn't
18 united -- there isn't a leader.

19 Q Oh, so you're saying if one
20 person in the group says something, you're
21 weak, but if everybody in the group says the
22 same thing, that makes it strong; correct?

23 MR. McNAMARA: Objection.

24 A Yes.

25 Q And the group all got together

1 A. Amir Arevalo

2 and talked about the story; correct?

3 MR. McNAMARA: Objection.

4 A Yes.

5 Q Everybody got their facts
6 straight; right?

7 MR. McNAMARA: Objection.

8 A Yes.

9 Q Anybody that was incorrect heard
10 what everybody else in the group had to say;
11 correct?

12 MR. McNAMARA: Objection.

13 A Yes.

14 Q So you got to hear what
15 everybody else's story was; correct?

16 MR. McNAMARA: Objection.

17 Q Right?

18 A Yes.

19 Q So you got to hear what
20 everybody else's story was; right?

21 MR. McNAMARA: Objection.

22 A Yes.

23 Q When was the last time you met
24 with this whole group to hear everybody's
25 story?

1 A. Amir Arevalo

2 MR. McNAMARA: Objection.

3 A I don't remember the exact date.

4 Q Roughly, when was it?

5 A That was what? December, before
6 December, about three or four months before
7 December.

8 Q Did you take any notes at that
9 meeting?

10 MR. McNAMARA: Objection.

11 A No, because -- no.

12 Q Did anybody take notes?

13 A No.

14 MR. McNAMARA: Objection.

15 Q Were the attorneys present when
16 you had the meeting?

17 MR. McNAMARA: Objection.

18 A When we had the meeting, yes,
19 they were there. We told them about the
20 situation, and they took all the information,
21 all the evidence we had.

22 Q And they helped get everybody's
23 story straight; right?

24 MR. McNAMARA: Objection.

25 Q Right?

1 A. Amir Arevalo

2 A (No verbal response.)

3 Q Correct?

4 A Yes.

5 Q Before you met with the
6 attorneys, everybody's story was a little
7 off; right?

8 MR. McNAMARA: Objection.

9 Q Right?

10 A Well, no, my job was different
11 than the jobs the rest of them did.

12 Q So you're completely different
13 than everybody else in the group; correct?

14 MR. McNAMARA: Objection.

15 A Yes.

16 Q Did you ever do side work?

17 A No.

18 Q You never did a little work with
19 Mendez?

20 A No.

21 Q And if Mendez said you did do
22 side work with him, he'd be lying?

23 A I never worked with Mendez on
24 his own jobs. Never.

25 Q How do you know?

1 A. Amir Arevalo

2 MR. McNAMARA: Objection.

3 A (No verbal response.)

4 Q How do you know?

5 A He's asking me if I worked at
6 jobs personally with Mendez, and I'm saying
7 no.

8 Q How do you know?

9 MR. McNAMARA: Objection.

10 A I know because -- well, maybe
11 Mendez did have some jobs, but I never went
12 to work to help him. Yes, never.

13 Q Did you ever help any of your
14 other coworkers?

15 A No.

16 Q They didn't like you?

17 MR. McNAMARA: Objection.

18 A No. Because they did their job
19 and I did mine.

20 Q And the two jobs were very
21 different; correct?

22 A Different.

23 Q Very different; correct?

24 A Yes.

25 Q You fixed trucks; right?

1 A. Amir Arevalo

2 MR. McNAMARA: Objection.

3 A Yes.

4 Q They did paving?

5 A Yes.

6 Q You can't compare the two?

7 A You can't compare asphalt to
8 mechanics; right.

9 MR. McNAMARA: Objection.

10 MR. ZABELL: To what? You're
11 objecting to his answer?

12 MR. McNAMARA: No, nothing.

13 Withdrawn, Counselor. Can we proceed,
14 Counselor?

15 MR. ZABELL: I don't know. Can
16 we, Counselor?

17 MR. McNAMARA: I'm fine with the
18 proceeding. You can continue.

19 Q Did you say that you went to
20 work on Sundays?

21 A Once in awhile, yes.

22 Q When?

23 A I don't remember exact days, but
24 I did work on Saturdays and Sundays
25 sometimes.

1 A. Amir Arevalo

2 Q Is that when you were making up
3 time that you lost during the week?

4 A No, no, no.

5 Q But if you were working Sundays,
6 George was working Sundays with you; right?

7 A When I worked Saturday and
8 Sunday --

9 Q Yes or no?

10 A When I worked Saturday and
11 Sunday, we were working in the yard in the
12 back. I worked with Eric on the machine with
13 concrete -- with Eric on the payloader.

14 Q Eric or Eddie?

15 THE INTERPRETER: The
16 interpreter would like to ask the
17 witness to repeat part of his answer.

18 (Whereupon, in Spanish, the
19 interpreter asked the witness to repeat
20 his answer for clarification of the
21 record.)

22 A Removing pieces of wood, metal,
23 all of the trash that would accumulate there
24 in the back.

25 Q You worked with Eric, right; not

1 A. Amir Arevalo

2 Eddie?

3 A No Eddie. Eric, Eric.

4 Q What did Eric look like;
5 handsome, like me?

6 A About his height (indicating).

7 Q Ugly, like him?

8 MR. McNAMARA: Handsome, like
9 me.

10 A No, no, no, no, no.

11 Q Don't call your attorney ugly.
12 That's not nice.

13 A No, no, like his height though.

14 MR. ZABELL: How tall are you,
15 Counselor?

16 MR. McNAMARA: I tell people
17 that I'm 5'10".

18 MR. ZABELL: How tall are you,
19 Counselor?

20 MR. McNAMARA: I'm 5'9".

21 Q So he's about his height?

22 A Yes.

23 Q White?

24 A White. Not like very white, but
25 he's white. I would say he's white.

1 A. Amir Arevalo

2 Q As white as your attorney?

3 Because that's one white guy.

4 A No.

5 Q As white as me?

6 A No, whiter.

7 Q Whiter than me?

8 A You're whiter.

9 Q Was he Hispanic?

10 A Hispanic.

11 Q So Eddie or Eric is Hispanic?

12 A He's Hispanic.

13 Q And you would speak to him;
14 right?

15 A Yes.

16 Q And you would work Saturdays and
17 Sundays with him; right?

18 A Yes.

19 Q All the time?

20 A Sometimes, sometimes.

21 Q How many times a month?

22 A Might be once or twice.

23 Q Once or two times a month?

24 A No. That would be maybe a
25 month, but it was rare. Saturdays and

1 A. Amir Arevalo

2 Sundays were very rare.

3 Q So maybe once or twice a year?

4 MR. McNAMARA: Objection.

5 A Once or twice a year. Yes, once
6 or twice a year.

7 Q Saturdays, as well; correct?

8 MR. McNAMARA: Objection.

9 A Yes.

10 Q Would that be to make up a day
11 that you didn't work during the week?

12 A No, no. That was because that
13 was needed to remove something from there.

14 Q Did you get paid extra for that?

15 A It's like overtime.

16 Q So you got a little; right?

17 A A little.

18 Q You'd get a little overtime;
19 right?

20 A Yes.

21 Q Every now and then; correct?

22 A Yes.

23 Q So when you worked a little
24 extra, you got a little extra overtime;
25 correct?

1 A. Amir Arevalo

2 A Yes, a little.

3 Q How much are you suing Suffolk
4 Paving for?

5 A I don't have an exact amount.

6 Q Do you have a rough amount?

7 MR. McNAMARA: Objection.

8 A No.

9 Q Do you have any idea how much
10 you're suing them for?

11 MR. McNAMARA: Objection.

12 A I don't know. No, no.

13 Q How would you go about figuring
14 it out?

15 A I would have to consult it with
16 my attorney.

17 Q Well, you can't consult with
18 your attorney. You need to answer my
19 question now.

20 A I don't have an exact amount.

21 Q Can you figure it out as you're
22 here now if I gave you a paper and a
23 calculator, how much money you'd like from
24 Suffolk Paving?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A No, I couldn't.

3 Q So there is nothing in that mind
4 of yours that would enable you to figure out
5 how much you want from Suffolk Paving;
6 correct?

7 MR. McNAMARA: Objection.

8 A No --

9 THE INTERPRETER: The
10 interpreter would like to ask the
11 witness to repeat his answer.

12 (Whereupon, in Spanish, the
13 interpreter asked the witness to repeat
14 his answer for clarification of the
15 record.)

16 A I don't have an idea of what it
17 is. I don't know exactly what it really is,
18 what I'm suing for.

19 Q Do you know, roughly, what
20 you're suing for?

21 MR. McNAMARA: Objection.

22 A No.

23 Q Are you suing because you didn't
24 get prevailing wage rates?

25 THE INTERPRETER: The

1 A. Amir Arevalo

2 interpreter would like to ask Counselor
3 for clarification.

4 MR. ZABELL: Prevailing wage
5 rates. It's a special type of work. I
6 think if you say it that way, he should
7 understand.

8 Q You understand prevailing wage;
9 right?

10 A Is that State work?

11 Q Yes.

12 A Sometimes I did work for that,
13 sometimes.

14 Q Sometimes you did work on the
15 machines that you worked on for prevailing
16 wage jobs; right? That's what you're talking
17 about; right?

18 A No, no. Because that's -- I
19 worked prevailing wage pouring asphalt with
20 Renato just a few times. Just a few times.
21 We only do that job.

22 Q Great. What jobs?

23 A Spreading asphalt with a shovel.

24 Q On what project?

25 A I don't remember. I don't

1 A. Amir Arevalo

2 remember the project that it was.

3 Q What year?

4 A It was every year.

5 Q So you remember doing it every
6 year, but you can't remember any of the names
7 of the jobs you worked on?

8 MR. McNAMARA: Objection.

9 A No, I don't remember the
10 projects. I do remember the projects, for
11 example, schools, main streets. That's it.

12 Q What school?

13 A The name, I don't remember.

14 Q When I think you're lying, your
15 cheek flexes.

16 A Wow.

17 MR. ZABELL: Let the record
18 reflect that the witness laughed and
19 said "wow."

20 Q You know that?

21 A No, my body doesn't tremble.

22 Q Do you play poker?

23 A No.

24 Q Why; because of that?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A I'm just naturally like this
3 from birth.

4 Q When you're nervous, your cheek
5 flexes like that.

6 MR. McNAMARA: Objection.

7 A Well, if you're seeing it, but
8 as far as I know, no.

9 Q Ask your attorney. He sees it
10 too.

11 MR. McNAMARA: I don't know what
12 Counselor is referring to.

13 MR. ZABELL: Let the record
14 reflect that Counselor is smiling as he
15 says that.

16 MR. McNAMARA: Let the record
17 reflect that I'm actually not smiling.
18 I'm smiling now, but I was not smiling
19 when Counsel previously announced that
20 I was smiling.

21 MR. ZABELL: Let the record
22 reflect that Counselor is laughing
23 while he's choking out that statement
24 and still laughing. Actually, we're
25 going to give him a few moments to

1 A. Amir Arevalo

2 catch his breath. Counselor, catch
3 your breath.

4 MR. McNAMARA: Okay.

5 MR. ZABELL: Let's go off the
6 record while he catches his breath.

7 (Whereupon, a discussion was
8 held off the record.)

9 MR. ZABELL: Okay, we're back.
10 Counselor has had an opportunity to
11 pull himself together.

12 Counselor, would you agree?

13 MR. McNAMARA: I think that's a
14 harsh way of describing it. I think we
15 can proceed.

16 MR. ZABELL: But not inaccurate;
17 correct?

18 MR. McNAMARA: We can proceed.

19 MR. ZABELL: I'll take that as a
20 yes.

21 Q Who were some of the other
22 mechanics that you worked with?

23 A Just with George.

24 Q Just with George?

25 A George -- there is another one.

1 A. Amir Arevalo

2 Q What is his name?

3 A Eddie.

4 Q Is Eddie different than Eric?

5 A Eddie, yes.

6 Q Is that different than Eric?

7 A Yes, different. He's an

8 American.

9 Q Eric is an American?

10 A Also, a Puerto Rican worked
11 there. His name is Willie.

12 Q Wait, wait. Is Eddie the
13 Puerto Rican?

14 A No. His name is Willie.

15 Q Willie is the Puerto Rican?

16 A Yes. And Eddie also.

17 Q Was Eddie a Puerto Rican?

18 A No.

19 Q What was Eddie?

20 A Eric, the one working in the
21 yard, he is Hispanic.

22 Q No. You told me Eric was the
23 American.

24 A Eddie, Eddie.

25 Q Eddie is white?

1 A. Amir Arevalo

2 A No, no, Eddie --

3 Q Whoa, whoa, stop. Let's start
4 over again.

5 Willie is Puerto Rican; correct?

6 A Yes.

7 Q And he was a mechanic?

8 A He was a mechanic.

9 Q Eddie was a mechanic; correct?

10 A Eric --

11 Q No, no. Eddie.

12 A Eddie? American.

13 Q Eddie, American, and he was a
14 mechanic; right?

15 A (Nodding.)

16 Q Yes? Use your words.

17 A Yes.

18 Q Eric was Hispanic?

19 A Yes, Hispanic.

20 Q He was a mechanic, as well?

21 A No, the ones that worked as
22 mechanics over there are Eddie and Willie.

23 Q Did either of them fall asleep
24 under the truck during the workday?

25 A No. But, for example, Eddie,

1 A. Amir Arevalo

2 Eddie -- Willie, the Puerto Rican, came in as
3 a mechanic, but he got sick. He was operated
4 on for his hernia, and then when he
5 recovered, they just didn't give him any more
6 work.

7 Q My question was: Did Willie
8 fall asleep under a truck?

9 A No.

10 Q Did Eddie fall asleep under a
11 truck?

12 MR. McNAMARA: Objection.

13 A No.

14 Q Only you fell asleep under a
15 truck; correct?

16 MR. McNAMARA: Okay.

17 A Correct. Only me.

18 Q You seem proud that you fell
19 asleep under the truck; are you?

20 MR. McNAMARA: Objection.

21 A No, but it's an error I
22 committed and today it seems funny.

23 Q Why did you get fired from
24 Suffolk Paving?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A Because of George. He told me
3 to connect a truck to a trailer.

4 Q And you never did?

5 A No, I did it. I did it, but
6 there was something there that wasn't right.
7 The trailer had a different assembly than
8 what the truck had, and he sent me over to
9 connect it, and that's it. But he didn't
10 tell me that they were different, and he
11 didn't tell me to take it off and get the
12 other one. He didn't say anything, so I just
13 connected them, and that got him very angry,
14 and he fired me from the job.

15 Q Are you claiming that you were
16 retaliated against, based upon the filing of
17 this lawsuit?

18 THE INTERPRETER: The
19 interpreter would like to look up the
20 word "retaliate."

21 (Whereupon, the interpreter
22 referenced his Spanish/English
23 dictionary for clarification of the
24 record.)

25 A Yes.

1 A. Amir Arevalo

2 Q How so?

3 A There was a coworker there that
4 continued to work there, but he doesn't work
5 there anymore. Louie spoke to that person,
6 and he said that he would make it impossible
7 for us to get work anywhere else.

8 Q Are you claiming that Louie has
9 interfered with your ability to find work?

10 A Presently, he hasn't, but we did
11 receive threats that said he would make it
12 impossible.

13 Q Who threatened you?

14 A Louie. Louie threatened
15 everybody that he would send letters to other
16 jobs or to companies so that when we arrived,
17 we have a bad record.

18 Q So you're claiming damages as a
19 result of that; correct?

20 MR. McNAMARA: Objection.

21 A Yes.

22 Q Are you authorized to live and
23 work in the United States?

24 MR. McNAMARA: Objection.

25 Don't answer that. I'm

1 A. Amir Arevalo

2 instructing the witness not to answer
3 it, pursuant to the protective order.

4 MR. ZABELL: Counselor, I direct
5 you to the order of the Honorable
6 Magistrate A. Kathleen Tomlinson, filed
7 on August 10, 2011, wherein, she
8 specifically states, "Defendants will
9 not be permitted to inquire into the
10 immigration status of Plaintiffs who
11 only seek recovery of back pay."

12 He is now requesting front pay,
13 so because he is requesting front pay,
14 I am entitled to inquire into his
15 immigration status.

16 MR. McNAMARA: Do you mean
17 previously in the complaint, or do you
18 mean just now at the deposition?

19 MR. ZABELL: Both. Do you want
20 to take a look at the order?

21 MR. McNAMARA: My understanding
22 is that there is no --

23 MR. ZABELL: Counselor, take a
24 look at the order. I'm allowed to ask
25 those questions if he's asking for

1 A. Amir Arevalo

2 anything, other than back pay.

3 MR. McNAMARA: (Perusing.)

4 MR. ZABELL: Counselor, have you
5 had an opportunity to review the
6 Judge's order?

7 MR. McNAMARA: I have and I have
8 previously reviewed it, as well.

9 Q Sir, please answer the question.

10 MR. McNAMARA: I'm instructing
11 the witness not to answer, Counselor.

12 MR. ZABELL: He just indicated
13 that he's looking for front pay.

14 MR. McNAMARA: He didn't
15 understand what you were asking him.

16 MR. ZABELL: I'm going to ask
17 him again.

18 Q Do you believe Louis Vecchia
19 retaliated against you by preventing you from
20 getting employment after you were fired?

21 MR. McNAMARA: Objection.

22 Q Right?

23 A He said so, but I'm not sure.
24 I'm not sure.

25 Q And you're suing him for the

1 A. Amir Arevalo

2 damages of preventing you from getting
3 employment after you stopped working with
4 him; correct?

5 MR. McNAMARA: Objection.

6 Q Correct?

7 A That's what he said, yes.

8 Q And you're suing him for
9 retaliation; correct?

10 MR. McNAMARA: Objection.

11 A I'm not suing for the
12 retaliation right now. I'm suing for extra
13 hours.

14 Q You want to get paid for extra
15 hours?

16 MR. McNAMARA: Objection.

17 A Yes, extra hours that I wasn't
18 paid for.

19 Q Didn't you just testify before
20 that you got paid a little overtime for when
21 you worked a little extra?

22 A Overtime? I didn't say extra
23 hours.

24 Q You got paid overtime; correct?

25 A But not all of it.

1 A. Amir Arevalo

2 Q You testified before that when
3 you worked extra, you got paid extra.

4 MR. McNAMARA: Objection.

5 Q Don't you remember that?

6 A Yes, I remember, but --

7 Q But now you're lying to me;
8 right?

9 A -- they didn't pay me for extra
10 hours.

11 Q So now you're lying to me;
12 right?

13 MR. McNAMARA: Objection.

14 A (No verbal response.)

15 Q Are you lying to me now, or were
16 you lying to me then?

17 MR. McNAMARA: Objection.

18 A (No verbal responses.)

19 Q You need to answer these
20 questions. Answer the question.

21 MR. McNAMARA: Objection.

22 Q Are you lying to me now?

23 MR. McNAMARA: Objection.

24 Q Si or no?

25 A I'm not lying, no.

1 A. Amir Arevalo

2 Q Were you lying to me then?

3 MR. McNAMARA: Objection.

4 Q Yes or no?

5 A No.

6 Q So, no, you're not lying to me
7 then, and you're not lying to me now, but
8 your two answers are very different; correct?

9 MR. McNAMARA: Objection.

10 Q Yes or no?

11 A I'm suing for extra hours that
12 were robbed from me, a little bit of
13 overtime, not all of it.

14 Q So you got most of your overtime
15 and just not a little of it?

16 MR. McNAMARA: Objection.

17 A Not all of it.

18 Q Did you want to get paid for
19 your lunch breaks?

20 MR. McNAMARA: Objection.

21 Q Yes or no?

22 A No. Extra hours, not lunch.

23 Q Did you want to get paid for
24 your breakfast breaks?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A No.

3 Q Did you want to get paid for
4 your sleep breaks?

5 MR. McNAMARA: Objection.

6 A No.

7 Q Do you believe you're suing
8 Louis Vecchia for retaliation?

9 MR. McNAMARA: Objection.

10 A (No verbal response.)

11 Q Yes or no?

12 A No. I'm suing for extra hours.

13 Q So you're not suing
14 Louis Vecchia for anything that occurred
15 after August 25, 2009?

16 MR. McNAMARA: Objection.

17 A Pardon? I didn't understand the
18 question.

19 Q Are you suing Louis Vecchia for
20 anything that occurred after August 25, 2009?

21 A Yes.

22 Q What are you suing him for?

23 A For stolen hours.

24 Q Were those hours, according to
25 you, stolen before or after August 25, 2009?

1 A. Amir Arevalo

2 MR. McNAMARA: Objection.

3 A Before.

4 Q So you're not suing Mr. Vecchia
5 for anything that happened after August 25, 2009;
6 correct?

7 MR. McNAMARA: Objection. Asked
8 and answered.

9 A No.

10 Q Are you sure?

11 MR. McNAMARA: Objection.

12 A Pardon me, the question?

13 Q Are you sure?

14 MR. McNAMARA: Objection.

15 A Sure of what?

16 Q Sure that you're not suing
17 Louis Vecchia or any of the defendants for
18 anything that happened after August 25, 2009?

19 MR. McNAMARA: Objection.

20 A No.

21 Q No, you're not suing them?

22 A No, I'm not suing him for
23 retaliation that he was going to do this or
24 that. I'm suing for stolen hours.

25 Q So if it says in the complaint

1 A. Amir Arevalo

2 that you were suing him for retaliation, you
3 want to withdraw those claims now; correct?

4 MR. McNAMARA: Objection.

5 A [REDACTED]

6 [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 MR. McNAMARA: Objection.

10 A [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

15 MR. McNAMARA: I'm directing the
16 witness not to answer. This is clearly
17 heading towards immigration status, and
18 I'm not going to let that happen.

19 MR. ZABELL: I didn't even bring
20 up his immigration status, Counselor.
21 He says that he doesn't have the
22 elements of the case. I don't know
23 what those elements are --

24 MR. McNAMARA: I'm instructing
25 the witness not to answer.

1 A. Amir Arevalo

2 MR. ZABELL: -- as this witness
3 would know them to be.

4 Q [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 A [REDACTED]

11 Q C [REDACTED]

12 A [REDACTED]

13 [REDACTED] [REDACTED]

14 Q [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MR. McNAMARA: Objection.

20 A [REDACTED]

21 Q [REDACTED] ?

22 MR. McNAMARA: Objection.

23 Counselor, I'm not permitting
24 him to answer this question.

25 MR. ZABELL: [REDACTED]

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A. Amir Arevalo

[REDACTED]

MR. McNAMARA: He's not
answering the question.

MR. ZABELL: You don't have that
right, Counselor. Especially with what
he's testified to. If he says
immigration papers, I'm not asking him
any further questions, but if he says
something different, I will. Do you
understand that? I'm making that
representation.

MR. McNAMARA: I think that the
protective order is intended to protect
against just this type of question.

MR. ZABELL: No. [REDACTED]
[REDACTED]

MR. McNAMARA: Right. And I
think that answer --

MR. ZABELL: It may be an
element of proof. You don't know that,
and for you to say something else,

1 A. Amir Arevalo

2 you're improperly coaching the witness
3 for which it's sanctionable conduct.

4 MR. McNAMARA: I'm not
5 improperly coaching my witness. I'm
6 attempting to protect my witness.

7 MR. ZABELL: Let him go ahead
8 and answer this one question, and then
9 we'll make the determination if we need
10 to go forward. Go ahead. Tell him to
11 answer.

12 MR. McNAMARA: That's it. Don't
13 ask another follow-up until we've had a
14 chance --

15 Q [REDACTED]

16 [REDACTED]

17 A [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

20 MR. McNAMARA: Objection.

21 Q [REDACTED]

22 [REDACTED]

23 A [REDACTED]

24 Q [REDACTED] ?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 Q [REDACTED]

3 A [REDACTED].

4 Q [REDACTED]

5 A [REDACTED]

6 Q [REDACTED]

7 [REDACTED]

8 MR. McNAMARA: Objection.

9 A [REDACTED]

10 Q [REDACTED]

11 MR. McNAMARA: Objection.

12 A [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

15 MR. McNAMARA: Objection.

16 Q [REDACTED]

17 A [REDACTED] [REDACTED]?

18 Q [REDACTED]

19 [REDACTED]

20 MR. McNAMARA: Objection.

21 A [REDACTED]

22 Q [REDACTED]

23 [REDACTED]

24 MR. McNAMARA: Objection.

25 Q [REDACTED]?

1 A. Amir Arevalo

2 A [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

5 A [REDACTED]

6 [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 MR. McNAMARA: Objection.

11 A [REDACTED].

12 Q [REDACTED]

13 [REDACTED]

14 A [REDACTED]

15 [REDACTED]

16 Q [REDACTED]

17 [REDACTED]

18 MR. McNAMARA: Objection.

19 Q [REDACTED]?

20 A [REDACTED]

21 Q [REDACTED].

22 A [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

5 MR. McNAMARA: Objection.

6 Q [REDACTED]

7 A [REDACTED]

8 Q You're not willing to lie?

9 A No.

10 Q Wait. You already testified you
11 lied to your mother so you wouldn't get in
12 trouble. You lied to your father so you
13 wouldn't get in trouble. You lied to the
14 woman you call your wife; correct?

15 A Yes.

16 Q [REDACTED]

17 [REDACTED]

18 A [REDACTED]

19 Q [REDACTED]

20 A --

21 Q [REDACTED]

22 MR. McNAMARA: Objection.

23 A (No verbal response.)

24 Q [REDACTED]

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A (No verbal response.)

3 Q [REDACTED]

4 MR. McNAMARA: Objection.

5 A (No verbal response.)

6 Q [REDACTED]

7 [REDACTED]

8 A [REDACTED]

9 Q [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A Louie wasn't going to hit me
13 if -- I didn't have to lie to Louie to avoid
14 from being hit, but my father would have hit
15 me if I didn't lie to him.

16 Q Would the woman you call your
17 wife hit you if you didn't lie to her?

18 A Maybe.

19 Q Maybe?

20 A Maybe.

21 Q So you lied to her to stay out
22 of trouble; right?

23 A Yes.

24 Q [REDACTED]

25 [REDACTED]

1 A. Amir Arevalo

2 A (No verbal response.)

3 Q [REDACTED] [REDACTED]

4 A [REDACTED] --

5 Q [REDACTED]

6 [REDACTED]

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 A (No verbal response.)

11 Q [REDACTED]

12 A [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

15 MR. McNAMARA: Objection.

16 A [REDACTED]

17 Q [REDACTED] [REDACTED]

18 [REDACTED]

19 A [REDACTED].

20 Q [REDACTED]

21 [REDACTED]

22 A [REDACTED]

23 [REDACTED] [REDACTED]

24 Q [REDACTED]

25 THE INTERPRETER: I'm sorry,

1 A. Amir Arevalo

2 madame court reporter, what was the
3 question?

4 (Whereupon, the requested
5 portion of the record was read by the
6 court reporter.)

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 A [REDACTED]

11 Q [REDACTED]

12 [REDACTED]

13 MR. McNAMARA: Objection.

14 A [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q So you're saying you lied to
19 your mother, you lied to your father, you
20 lied to the woman you call your wife, [REDACTED]

21 [REDACTED]

22 MR. McNAMARA: Objection.

23 Q -- but you never lied to
24 Louis Vecchia?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A (No verbal response.)

3 Q You have to answer. Yes or no?

4 A [REDACTED]

5 Q But you lied to everybody else

6 but him?

7 MR. McNAMARA: Objection.

8 A [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q And you're okay with breaking
12 the law to get what you want; right?

13 A No, not really.

14 Q Right?

15 A No.

16 Q Wait a minute. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MR. McNAMARA: Objection.

20 Q Y [REDACTED]

21 [REDACTED]

22 MR. McNAMARA: Objection.

23 Q [REDACTED]

24 A [REDACTED]

25 Q Is that yes? Use your words.

1 A. Amir Arevalo

2 A [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

5 MR. McNAMARA: Objection.

6 Q [REDACTED] ?

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 MR. McNAMARA: Objection.

11 A (No verbal response.)

12 Q Right; yes or no?

13 A (No verbal response.)

14 Q Yes or no?

15 A No, no.

16 Q You're not all right with that?

17 A Because I'm not robbing the
18 people. The people that are robbing are the
19 owners. The ones that are robbing are the
20 owners.

21 Q [REDACTED]

22 [REDACTED]

23 A [REDACTED]

24 Q [REDACTED]

25 A [REDACTED]

1 A. Amir Arevalo

2 Q Why did you stop?

3 MR. McNAMARA: Objection.

4 A [REDACTED]

5 Q [REDACTED]

6 A [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 MR. McNAMARA: Objection.

10 A [REDACTED]

11 Q [REDACTED]

12 MR. McNAMARA: Objection.

13 A [REDACTED]

14 Q [REDACTED]

15 [REDACTED]

16 MR. McNAMARA: Objection.

17 A [REDACTED] [REDACTED]

18 Q [REDACTED]

19 A [REDACTED]

20 Q [REDACTED]

21 A [REDACTED]

22 MR. McNAMARA: I want to have
23 all questions and answers regarding the
24 witness's girlfriend to be marked as
25 confidential.

1 A. Amir Arevalo

2 MR. ZABELL: I don't know why.

3 I will object to the designation of

4 confidential. Counselor, you know

5 there's a stipulation of

6 confidentiality order that has been

7 signed by the Court. I am now in

8 accordance with that providing you

9 written notice that I object to your

10 designation. You have --

11 MR. McNAMARA: You're providing

12 oral notice.

13 MR. ZABELL: No, I'm providing

14 written notice. This is being written

15 down.

16 MR. McNAMARA: Okay.

17 MR. ZABELL: And you're

18 apparently accepting that. You know

19 what steps you need to do to test the

20 appropriateness of your designation.

21 MR. McNAMARA: Yes.

22 Q Why are your answers different

23 now than they were earlier today?

24 MR. McNAMARA: Objection.

25 A They are not different.

1 A. Amir Arevalo

2 Q Is someone paying you to lie
3 today?

4 MR. McNAMARA: Objection.

5 A No.

6 Q Are you lying in the hopes of
7 getting money?

8 MR. McNAMARA: Objection.

9 A No.

10 Q Do you hope to get some money?

11 A No.

12 Q You don't want any money?

13 A No.

14 Q You're not suing for money;
15 right?

16 MR. McNAMARA: Objection.

17 A No. One thing you're saying is
18 that I want to receive money, and another
19 thing is that through the lawsuit, I'll
20 receive money.

21 Q Do you want to receive money?

22 A By working, yes --

23 Q Why don't you go to work instead
24 of pursuing this lawsuit?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A Well, to win the lawsuit, yes.

3 Q But you said you don't want
4 money.

5 MR. McNAMARA: Objection.

6 A But you're not explaining it.

7 Q It's not my job to explain it.
8 That's why you have a lawyer.

9 MR. McNAMARA: Objection.

10 A But you don't explain it if it's
11 by working or if I just want it.

12 Q So you just want it; right?

13 MR. McNAMARA: Objection.

14 A No.

15 Q You don't want it?

16 A No.

17 Q You have no idea how much you're
18 suing for; correct?

19 MR. McNAMARA: Objection.

20 A Yes.

21 Q And you have no ability to
22 figure out how much you want; correct?

23 MR. McNAMARA: Objection.

24 A No.

25 Q Did Patrick tell you how much

1 A. Amir Arevalo

2 you want?

3 MR. McNAMARA: Objection.

4 A No.

5 Q Did any of your coworkers tell
6 you how much you want?

7 MR. McNAMARA: Objection.

8 A No.

9 Q Did they tell you how much they
10 want?

11 MR. McNAMARA: Objection.

12 A No -- how much do they want?

13 Who?

14 Q Any one of them.

15 A My coworkers?

16 Q Yes.

17 A I don't know.

18 Q Did your wife or the woman you
19 call your wife tell you how much she wants?

20 MR. McNAMARA: Objection.

21 A No.

22 Q Does she know about this
23 lawsuit?

24 A Yes.

25 Q Does your girlfriend know about

1 A. Amir Arevalo

2 the lawsuit?

3 MR. McNAMARA: Objection.

4 A Yes.

5 Q Did she tell you how much she
6 wants?

7 MR. McNAMARA: Objection.

8 A No.

9 Q Did you ever lie to your
10 girlfriend?

11 A A little.

12 Q To get what you wanted; right?

13 A No.

14 Q Yes, tell the truth.

15 MR. McNAMARA: Objection.

16 A Yes.

17 Q Yes, okay. So you lied a little
18 bit because you were embarrassed; right?

19 MR. McNAMARA: Objection.

20 Q Right?

21 A We all do it. I don't think
22 anyone could say that they never have.

23 Q You think it's okay to lie to
24 women to get what you want?

25 MR. McNAMARA: Objection.

1 A. Amir Arevalo

2 A No. But I have lied to my wife,
3 and if you're referring to others, I don't
4 have any others. I just have my wife.

5 Q Well, you testified to your
6 others, but that's all right. We don't need
7 to dwell on that.

8 MR. McNAMARA: Objection.

9 Q Is there anything else you'd
10 like to tell me?

11 A Oh, yes.

12 Q What?

13 A Two things. When they burned a
14 lot of papers at the company.

15 Q Who burned the papers?

16 A Helene, Louis's wife, she burned
17 a lot of papers in a can -- what do you call
18 it? Like a can, a garbage can. They poured
19 in gasoline, and they ripped up a lot of
20 papers. A lot of papers were burned there,
21 and then in the back in the yard, they buried
22 a ton of rubber.

23 THE INTERPRETER: I think he
24 said "rubber," but I need to look it up
25 to clarify what the witness is saying.

1 A. Amir Arevalo

2 Is that okay, Counselor?

3 MR. ZABELL: Sure.

4 (Whereupon, the interpreter
5 referenced his Spanish/English
6 dictionary for clarification of the
7 record.)

8 THE INTERPRETER: He did say
9 "rubber," Counselor.

10 A Rubber, tons of it. Tons of
11 sand was pulled out, and all of that was
12 uncovered, and a lot of the paper that had
13 been burned. That is what I saw.

14 Q When did you see that?

15 A That was about four months
16 after.

17 THE INTERPRETER: The
18 interpreter would like to ask the
19 witness to repeat his answer for
20 clarification of the record.

21 (Whereupon, in Spanish, the
22 interpreter asked the witness to repeat
23 his answer for clarification of the
24 record.)

25 THE INTERPRETER: Correction.

1 A. Amir Arevalo

2 A Four months before they fired
3 me, those papers were burned. Afterward, I
4 realized that when they were going to send me
5 my papers so that I could do my taxes, George
6 spoke to me. George called me saying that he
7 needed my Social Security number to fill out
8 income taxes, and I said why, because I've
9 been working here, and it must be in your
10 file. Those files were burned over there.

11 Q So the files were burned before
12 you were fired?

13 A While I was working there --

14 Q Yes, or no?

15 A Four months -- while I was
16 working there.

17 Q Yes or no?

18 A Yes, I was still working there
19 when they were burned.

20 Q And this was long before the
21 lawsuit was filed; correct?

22 A Yes.

23 Q Aren't you making this up?

24 MR. McNAMARA: Objection.

25 A No, I saw it. I saw it.

1 A. Amir Arevalo

2 Q What were the papers that they
3 burned; what color were they?

4 A Folders like these (indicating),
5 full of papers.

6 Q Do you know what any of those
7 papers said?

8 A Because --

9 Q Is your answer no or yes?

10 A No, no, no. I didn't see what
11 they said.

12 Q Are there any of your answers
13 that you'd like to change before I send you
14 home?

15 A No.

16 MR. ZABELL: Okay. I hope
17 you've enjoyed your stay, because it
18 has come to an end. Good day, sir.

19 THE WITNESS: Thank you.

20 (Time Noted: 2:10 p.m.)

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A C K N O W L E D G E M E N T

STATE OF NEW YORK)

: ss

COUNTY OF)

I, ALEX AMIR AREVALO, hereby certify that
I have read the transcript of my testimony
taken under oath in my deposition of
October 1, 2011; that the transcript is a
true, complete and correct record of my
testimony; and that the answers on the record
as given by me are true and correct.

ALEX AMIR AREVALO

Signed and subscribed to before me
this ____ day of _____, 2011.

Notary Public, State of New York

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EXHIBITS

<u>DEFENDANTS'</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Document consisting of a copy of identification in the name Arevalo Castilla	14
2	Document consisting of a copy of Mr. Arevalo's W-2	67
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4	Document consisting of copies of pay stubs from Mr. Arevalo's employers from years 2005 and 2006	79

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C E R T I F I C A T E

I, KAREN M. LaMENDOLA, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the witness whose testimony is
hereinbefore set forth, was duly sworn by me;
and

THAT the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related, either by blood or marriage, to any
of the parties in this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 31st day of October, 2011.

KAREN M. LaMENDOLA

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ERRATA SHEET

I wish to make the following changes for
the following reasons:

PAGE	LINE	
		CHANGE: _____
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